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No. 32]

NEW DELHI, AUGUST 3—9, 2003 SATURDAY/SRAVANA 12—18, 1925

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate Paging is given to this Part in order that it may be filed as a separate compilation.

भाग II—खण्ड 3—उपखण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालयों को छोड़कर) द्वारा जारी किए गए
सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

मंत्रिमंडल सचिवालय

नई दिल्ली, 29 जुलाई, 2003

का. आ. 2220.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कर्नाटक राज्य सरकार की अधिसूचना सं. एच. डी. 104 पीसीआर 2003 दिनांक 14-07-2003 द्वारा प्राप्त कर्नाटक राज्य सरकार की सहमति से श्री के. एस. भट्ट, अपर निदेशक, राजस्व आसूचना निदेशालय (डीआरआई), भारत सरकार, बंगलौर और किन्हीं अन्य लोकसेवकों अथवा व्यक्तियों के विरुद्ध भ्रष्टाचार निवारण अधिनियम, 1988 (1988 का अधिनियम सं. 49) की धारा 7, 13 (2) संपादित धारा 13(1) (डी) के अधीन दंडनीय अपराधों और उपर्युक्त अपराधों में से एक अथवा अधिक से संबंधित अथवा संसक्त प्रयत्नों, दुष्प्रणियों और पड़यंत्र तथा उसी संव्यवहार के अनुक्रम में किए

गए अथवा उन्हीं तथ्यों से उद्भूत किन्हीं अन्य अपराध और अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण कर्नाटक राज्य पर करती है।

[फा. सं. 228/67/2003-डी. एस. पी. ई.]

शुभा ठाकुर, अवर सचिव

CABINET SECRETARIAT

New Delhi, the 29th July, 2003

S.O. 2220.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Karnataka vide Notification No. HD 104 PCR 2003 dated 14-07-2003, hereby extends the

powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Karnataka for investigation of offences against Shri K.S. Bhatt. Additional Director, Directorate of Revenue Intelligence (DRI), Government of India, Bangalore and any other public servants or persons punishable under section 7, 13(2) read with 13(1)(d) of Prevention of Corruption Act, 1988 (Act No. 49 of 1988) and attempts, abetments and conspiracy in relation to or in connection with one or more of the offence mentioned above and any other offence and offences committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/67/2003-DSPE]
SHUBHA THAKUR, Under Secy.

वित्त मंत्रालय

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 15 जुलाई, 2003

का.आ. 2221.— भारतीय स्टेट बैंक अधिनियम, 1955 (1955 का 23) की धारा 20 की उप-धारा (3क) के साथ पठित धारा 19 के खण्ड (गक) के अनुसरण में तथा भारतीय स्टेट बैंक (कर्मचारी निदेशकों की नियुक्ति) नियम, 1974 के नियम 3 के तहत प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा भारतीय स्टेट बैंक के प्रधान सहायक श्री अनन्त चन्द्र कलिता को, जो कर्मकार है, 15 जुलाई, 2003 से तीन वर्ष की अवधि के लिए या जब तक वे भारतीय स्टेट बैंक के एक कर्मकार कर्मचारी के रूप में अपनी सेवा छोड़ नहीं देते अथवा अगले आदेश तक, इनमें से जो भी पहले हो, भारतीय स्टेट बैंक के कर्मकार कर्मचारियों में से भारतीय स्टेट बैंक के केन्द्रीय बोर्ड में निदेशक के रूप में नियुक्त करती है, बशर्ते कि वे लगातार छः वर्ष से अधिक अवधि के लिए पद धारण नहीं करेंगे।

[फा. सं. 15/10/2001-आई. आर.]

ए. थामस, अवर सचिव

MINISTRY OF FINANCE

(Department of Economic Affairs)

(BANKING DIVISION)

New Delhi, the 15th July, 2003

S.O. 2221.—In pursuance of clause (ca) of Section 19 read with Sub-section (3A) of Section 20 of the State Bank of India Act, 1955 (23 of 1955), and in exercise of the powers vested under Rule 3 of the State Bank of India (Appointment of Employee Directors) Rules, 1974, the Central Government hereby appoints Shri Ananta Chandra Kalita, Head Assistant, State Bank of India as a Director on the Central Board of the State Bank of India from among the employees of State Bank of India, who are workmen, for a period of three years commencing from 15th July, 2003 or until he ceases to be a workman employee of the Bank or until further orders, whichever

is earlier provided that he shall not hold the office continuously for a period exceeding six years.

[F. No. 15/10/2001-IR]

A. THOMAS, Under Secy.

(राजस्व विभाग)

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 18 जुलाई, 2003

(आयकर)

का.आ. 2222.— सामान्य जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा अधोलिखित संगठन को उसके नाम के सामने उल्लिखित अवधि के लिए आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (I) के खंड (ii) के प्रयोजनार्थ "संस्था" श्रेणी के अन्तर्गत निम्नलिखित शर्तों के अधीन अनुमोदित किया गया है :—

- (i) अधिसूचित संस्था अपने अनुसंधान कार्यकलापों के लिए अलग लेखा बहियों का रख-रखाव करेगी;
- (ii) अधिसूचित संस्था प्रत्येक वित्तीय वर्ष के लिए अपनी वैज्ञानिक अनुसंधान गति-विधियों की वार्षिक रिटर्न प्रत्येक 31 मई को अथवा उससे पहले सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग 'टेक्नोलॉजी भवन' न्यू महरोली रोड, नई दिल्ली-110016 को प्रस्तुत करेगी;
- (iii) अधिसूचित संस्था केन्द्र सरकार की तरफ से नामोद्दिष्ट निर्धारण अधिकारी को आयकर की विवरणी प्रस्तुत करने के अतिरिक्त अपने लेखा परीक्षित वार्षिक लेखों की एक प्रति तथा अपने अनुसंधान कार्यकलापों, जिसके लिए आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत छूट प्रदान की गई थी, के संबंध में आय एवं व्यय खाते की लेखा परीक्षा की भी एक प्रति संगठन पर अधिकार क्षेत्र वाले (क) आयकर महानिदेशक (छूट) 10 मिडिलटन रो, पांचवा तल, कलकत्ता-700071, (ख) सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग तथा (ग) आयकर आयुक्त/आयकर निदेशक (छूट) को प्रत्येक वर्ष 31 अक्टूबर को अथवा उससे पहले प्रस्तुत करेगी।

क्रम सं.	अनुमोदित संगठन का नाम	अवधि जिसके लिए अधिसूचना प्रभावी है
1.	दीन दयाल रिसर्च इन्स्टिट्यूट, 7-ई, स्वामी रामतीर्थ नगर, रानी झांसी मार्ग, नई दिल्ली-110055	1-4-2003 से 31-3-2006

टिप्पणी :— अधिसूचित संस्था को सलाह दी जाती है कि वह अनुमोदन के नवीकरण के लिए तीन प्रतियों में और पहले ही अधिकार क्षेत्र वाले आयकर आयुक्त/आयकर निदेशक

(छूट) के माध्यम से केन्द्र सरकार को आवेदन करें।
अनुमोदन के नवीकरण के लिए आवेदन पत्र की तीन
प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान
विभाग को सीधे भेजी जाएंगी।

[अधिसूचना सं. 175/2003/फ. सं. 203/39/2003-आयकर नि.-II]

ए. के. पाण्डेय, उप-सचिव (आयकर नि.-II)

(Department of Revenue)

(CENTRAL BOARD OF DIRECT TAXES)

New Delhi, the 18th July, 2003

(INCOME-TAX)

S.O. 2222.—It is hereby notified for general information that the organisation mentioned below has been approved by the Central Government for the period mentioned against the name, for the purpose of clause (ii) of sub-section (1) of section 35 of the Income tax Act, 1961, read with Rule 6 of the Income tax Rules, 1962 under the category "Institution" subject to the following conditions :—

- (i) The notified Institution shall maintain separate books of accounts for its research activities;
- (ii) The notified Institution shall furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year on or before 31st May of each year;
- (iii) The notified Institution shall submit, on behalf of the Central Government, to (a) the Director General of Income tax (Exemptions), 10 Middleton Row, 5th Floor, Kolkata-700071, (b) the Secretary, Department of Scientific & Industrial Research, and (c) the Commissioner of Income tax/Director of Income tax (Exemptions), having jurisdiction over the organisation, on or before the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income tax Act, 1961 in addition to the return of Income tax to the designated assessing officer.

Sl. No.	Name of the organisation approved	Period for which Notification is effective
1.	Deen Dayal Research Institute, 7-E. Swami Ramtirth Nagar, Rani Jhansi Marg, New Delhi-110055	1-4-2003 to 31-3-2006

Note :—The notified Institution is advised to apply in triplicates and well in advance for renewal of the approval, to the Central Government through the Commissioner of Income tax/ Director of Income tax (Exemptions) having jurisdiction. Three copies of application for renewal of approval shall also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 175/2003/F.No. 203/39/2003/ITA-II]

A. K. PANDEY, Dy. Secy. (ITA-II)

नई दिल्ली, 18 जुलाई, 2003

(आयकर)

का.आ. 2223.—सामान्य जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा अधोलिखित संगठन को उसके नाम के सामने उल्लिखित अवधि के लिए आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (iii) के प्रयोजनार्थ "संस्था" श्रेणी के अन्तर्गत निम्नलिखित शर्तों के अधीन अनुमोदित किया गया है :—

- (i) अधिसूचित संस्था अपने अनुसंधान कार्यकलापों के लिए अलग लेखा बहियों का रख-रखाव करेगी;
- (ii) अधिसूचित संस्था प्रत्येक वित्तीय वर्ष के लिए अपनी वैज्ञानिक अनुसंधान गतिविधियों की वार्षिक रिटर्न प्रत्येक 31 मई को अथवा उससे पहले सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग 'टेक्नोलॉजी भवन' न्यू महरोली रोड, नई दिल्ली-110016 को प्रस्तुत करेगी;
- (iii) अधिसूचित संस्था केन्द्र सरकार की तरफ से नामोद्घृत निर्धारण अधिकारी को आयकर की विवरणी प्रस्तुत करने के अतिरिक्त अपने लेखा परीक्षित वार्षिक लेखों की एक प्रति तथा अपने अनुसंधान कार्यकलापों, जिसके लिए आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत छूट प्रदान की गई थी, के संबंध में आय एवं व्यय खाते की लेखा परीक्षा की भी एक प्रति संगठन पर अधिकार क्षेत्र वाले (क) आयकर महानिदेशक (छूट) 10 मिडिलटन रो, पांचवां तल, कोलकाता-700071, (ख) सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग, तथा (ग) आयकर आयुक्त/ आयकर निदेशक (छूट) को प्रत्येक वर्ष 31 अक्टूबर को अथवा उससे पहले प्रस्तुत करेगी।

क्रम सं.	अनुमोदित संगठन का नाम	अवधि जिसके लिए अधिसूचना प्रभावी है
1.	दीन दयाल रिसर्च इन्स्टिट्यूट, 7-ई, स्वामी रामतीर्थ नगर, रानी झंसी मार्ग, नई दिल्ली-110055	1-4-2003 से 31-3-2006

टिप्पणी :—अधिसूचित संस्था को सलाह दी जाती है कि वह अनुमोदन के नवीकरण के लिए तीन प्रतियों में और पहले ही अधिकार क्षेत्र वाले आयकर आयुक्त/आयकर निदेशक (छूट) के माध्यम से केन्द्र सरकार को आवेदन करें। अनुमोदन के नवीकरण के लिए आवेदन पत्र की तीन प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को सीधे भेजी जाएंगी।

[अधिसूचना सं. 176/2003/फा. सं. 203/39/2003-आयकर नि.-II]
ए. के. पाण्डेय, उप-सचिव (आयकर नि.-II)

New Delhi, the 18th July, 2003

(INCOME-TAX)

S.O. 2223.—It is hereby notified for general information that the organisation mentioned below has been approved by the Central Government for the period mentioned against the name, for the purpose of clause (iii) of sub-section (1) of section 35 of the Income tax Act, 1961, read with Rule 6 of the Income tax Rules, 1962 under the category "Institution" subject to the following conditions :—

- (i) The notified Institution shall maintain separate books of accounts for its research activities;
- (ii) The notified Institution shall furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year on or before 31st May of each year;
- (iii) The notified Institution shall submit, on behalf of the Central Government, to (a) the Director General of Income tax (Exemptions), 10 Middleton Row, 5th Floor, Kolkata-700071, (b) the Secretary, Department of Scientific & Industrial Research, and (c) the Commissioner of Income tax/Director of Income tax (Exemptions), having jurisdiction over the organisation, on or before the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income tax Act, 1961 in addition to the return of Income tax to the designated assessing officer.

Sl. No.	Name of the organisation approved	Period for which Notification is effective
1.	Deen Dayal Research Institute, 7-E, Swami Ramtirth Nagar, Rani Jhansi Marg, New Delhi-110055.	1-4-2003 to 31-3-2006

Note :—The notified Institution is advised to apply in triplicates and well in advance for renewal of the approval, to the Central Government through the Commissioner of Income tax/ Director of Income tax (Exemptions) having jurisdiction. Three copies of application for renewal of approval shall also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 176/2003/F.No. 203/39/2003/ITA-II]
A. K. PANDEY, Dy. Secy. (ITA-II)

नई दिल्ली, 18 जुलाई, 2003

(आयकर)

का.आ. 2224.—सामान्य जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा अधोलिखित संगठन को उसके नाम के सामने उल्लिखित अवधि के लिए आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनार्थ "संस्था" श्रेणी के अन्तर्गत निम्नलिखित शर्तों के अधीन अनुमोदित किया गया है :—

- (i) अधिसूचित संस्था अपने अनुसंधान कार्यकलापों के लिए अलग लेखा बहियों का रख-रखाव करेगी;
- (ii) अधिसूचित संस्था प्रत्येक वित्तीय वर्ष के लिए अपनी वैज्ञानिक अनुसंधान गतिविधियों की वार्षिक रिटर्न प्रत्येक 31 मई को अथवा उससे पहले सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग 'टेक्नोलॉजी भवन' न्यू महरोली रोड, नई दिल्ली-110016 को प्रस्तुत करेगी;
- (iii) अधिसूचित संस्था केन्द्र सरकार की तरफ से नामोद्दिष्ट निर्धारण अधिकारी को आयकर की विवरणी प्रस्तुत करने के अतिरिक्त अपने लेखा परीक्षित वार्षिक लेखों की एक प्रति तथा अपने अनुसंधान कार्यकलापों, जिसके लिए आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत छूट प्रदान की गई थी, के संबंध में आय एवं व्यय खाते की लेखा परीक्षा की भी एक प्रति संगठन पर अधिकार क्षेत्र वाले (क) आयकर महानिदेशक (छूट) 10 मिडिलटन रो, पांचवाँ तल, कलकत्ता-700071, (ख) सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग, तथा (ग) आयकर आयुक्त/आयकर निदेशक (छूट) को प्रत्येक वर्ष 31 अक्टूबर को अथवा उससे पहले प्रस्तुत करेगी।

क्रम सं.	अनुमोदित संगठन का नाम	अवधि जिसके लिए अधिसूचना प्रभावी है
1.	मैसर्स दि कर्नाटक इंस्टिट्यूट ऑफ एप्लाइड एग्रीकल्चरल रिसर्च, ताल मुधोल, जिला बगलकोट, समीरवादी-587316, कर्नाटक	1-4-2000 से 31-3-2003

टिप्पणी :—अधिसूचित संघ को सलाह दी जाती है कि वह अनुमोदन के नवीकरण के लिए तीन प्रतियों में और पहले ही अधिकार क्षेत्र वाले आयकर आयुक्त/आयकर निदेशक (छूट) के माध्यम से केन्द्र सरकार को आवेदन करें। अनुमोदन के नवीकरण के लिए आवेदन पत्र की तीन प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को सीधे भेजी जाएंगी।

[अधिसूचना सं. 177/2003/फा. सं. 203/10/2002-आयकर नि.-II]

ए. के. पाण्डेय, उप-सचिव (आयकर नि.-II)

New Delhi, the 18th July, 2003

(INCOME-TAX)

S.O. 2224.—It is hereby notified for general information that the organisation mentioned below has been approved by the Central Government for the period mentioned against the name, for the purpose of clause (ii) of sub-section (1) of Section 35 of the Income tax Act, 1961, read with Rule 6 of the Income tax Rules, 1962 under the category "Institution" subject to the following conditions :—

- (i) The notified Institution shall maintain separate books of account for its research activities;
- (ii) The notified Institution shall furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year on or before 31st May of each year;
- (iii) The notified Institution shall submit, on behalf of the Central Government, to (a) the Director General of Income tax (Exemptions), 10 Middleton Row, 5th Floor, Kolkata-700071 (b) the Secretary, Department of Scientific & Industrial Research, and (c) the Commissioner of Income tax/Director of Income tax (Exemptions), having jurisdiction over the organisation, on or before the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income tax Act, 1961 in addition to the return of income tax to the designated assessing officer.

Sl. No.	Name of the organisation approved	Period for which Notification is effective
1.	M/s. The Karnataka Institute of Applied Agricultural Research, Tal. Mudhol, Distt. Bagalkot, Sameerwadi-587316, Karnataka	1-4-2000 to 31-3-2003

Notes :—The notified Institution is advised to apply in triplicates and well in advance for renewal of the approval, to the Central Government through the Commissioner of Income tax/Director of Income tax (Exemptions) having jurisdiction. Three copies of application for renewal of approval shall also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 177/2003/F.No. 203/10/2002/ITA-II]

A. K. PANDEY, Dy. Secy. (ITA-II)

(व्यय विभाग)

नई दिल्ली, 21 जुलाई, 2003

का.आ. 2225.—भविष्य निधि अधिनियम, 1925 (1925 का 19वां) की धारा 8 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा निम्नलिखित सार्वजनिक संस्थान का नाम उक्त अधिनियम की अनुसूची में शामिल करती है, अर्थात् :—

“महर्षि संदीपनी राष्ट्रीय वेद विद्या प्रतिष्ठान, उज्जैन”

[सं. 4(1)-संस्था-V/95(1)]

पी. एन. ठाकुर, निदेशक

(Department of Expenditure)

New Delhi, the 21st July, 2003

S.O. 2225.—In exercise of the powers conferred by sub-section (3) of Section 8 of the Provident Funds Act, 1925 (19 of 1925), the Central Government hereby adds to the list of institutions specified in the Schedule to the said Act, the following institution, namely :—

“Maharshi Sandipani Rashtriya Veda Vidya Pratishthan, Ujjain”

[No.4(1)-E V/95(1)]

P.N. THAKUR, Director

नई दिल्ली, 21 जुलाई, 2003

का.आ. 2226.—भविष्य निधि अधिनियम, 1925 (1925 का 19वां) की धारा 8 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा निदेश देती है कि उक्त अधिनियम के उपबंध (धारा 6 “क” को छोड़कर) उक्त अधिनियम की अनुसूची में विनिर्दिष्ट महर्षि संदीपनी राष्ट्रीय वेद विद्या प्रतिष्ठान, उज्जैन के कर्मचारियों के लाभांश स्थापित भविष्य निधि पर भी लागू होंगे।

[सं. 4(1)-संस्था-V/95(II)]

पी. एन. ठाकुर, निदेशक

New Delhi, the 21st July, 2003

S.O. 2226.—In exercise of the powers conferred by sub-section (2) of section 8 of the Provident Funds Act, 1925 (19 of 1925), the Central Government hereby directs that the provisions of the said Act (except section 6A) shall apply to the Provident Fund established for the benefit of the employees of the Maharshi Sandipani Rashtriya Veda Vidya Pratishthan, Ujjain.

[No. 4(1)-E V/95(II)]

P.N. THAKUR, Director

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 21 जुलाई, 2003

का.आ. 2227.—भारतीय रिजर्व बैंक अधिनियम, 1934 (1934 का 2) की धारा 8 की उपधारा (1) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, डी. सी. गुप्ता, वित्त सचिव और सचिव (व्यय), वित्त मंत्रालय, नई दिल्ली को तत्काल प्रभाव से अगले आदेश होने तक श्री एस. नारायण के स्थान पर भारतीय रिजर्व बैंक के केन्द्रीय बोर्ड में निदेशक के रूप में नामित करती है।

[एफ. सं. 9/3/2002-बी.ओ.आई.]

रमेश चन्द, अवर सचिव

(Department of Economic Affairs)

(BANKING DIVISION)

New Delhi, the 21st July, 2003

S.O. 2227.—In exercise of the powers conferred by clause (d) of sub-section (1) of section 8 of the Reserve Bank of India Act, 1934 (2 of 1934), the Central Government, hereby nominates Shri D. C. Gupta, Finance Secretary and Secretary (Exp), Ministry of Finance, New Delhi as a Director on the Central Board of the Reserve Bank of India with immediate effect and until further orders *vice* Shri S. Narayan.

[F.No. 9/3/2002-B.O.I.]

RAMESH CHAND, Under Secy.

नई दिल्ली, 25 जुलाई, 2003

का.आ. 2228.—भारतीय स्टेट बैंक अधिनियम, 1955 (1955 का 23) की धारा 20 की उपधारा 3(क) और उपधारा (4) के साथ पठित धारा 19 के खंड (घ) के अनुसरण में, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करके, एतद्वारा श्री अरूण सिंह, चार्टर्ड एकाउंटेंट एफ. 7, लाजपत नगर-III, नई दिल्ली-110024 को अधिसूचना जारी किए जाने की तारीख से तीन वर्षों की अवधि के लिए भारतीय स्टेट बैंक के केन्द्रीय बोर्ड में निदेशक नामित करती है।

[एफ. सं. 8/3/2003-बी.ओ.आई.]

रमेश चन्द, अवर सचिव

New Delhi, the 25th July, 2003

S.O. 2228.—In pursuance of clause (d) of Section 19 read with sub-section 3(A) and sub-section (4) of Section 20 of the State Bank of India Act, 1955 (23 of 1955), the Central Government, in consultation with the Reserve Bank of India, hereby nominates Shri Arun Singh, Chartered Accountant, F-7, Lajpat Nagar-III, New Delhi-110024 as a director of the Central Board of State Bank of India for a period of three years with effect from the date of notification.

[F. No. 8/3/2003-B.O.I.]

RAMESH CHAND, Under Secy.

नई दिल्ली, 25 जुलाई, 2003

का.आ. 2229.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970 के खंड 3 के उपखंड (1) और खंड 8 के उपखंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा 3 के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात श्री ए. वी. दुगाडे इस समय बैंक आफ महाराष्ट्र में महाप्रबंधक, को उनके कार्यभार ग्रहण करने की तारीख से 31-3-2008 तक अर्थात् जिस माह में वह अधिवर्षिता की आयु प्राप्त करेंगे उसके अन्तिम दिन तक की अवधि के लिए या अगला आदेश होने तक, बैंक आफ महाराष्ट्र के पूर्णकालिक निदेशक (कार्यपालक निदेशक के रूप में पदनामित) के रूप में नियुक्त करती है।

[एफ. सं. 9/7/2003-बी.ओ.आई.]

रमेश चन्द, अवर सचिव

New Delhi, the 25th July, 2003

S.O. 2229.—In exercise of the powers conferred by clause (a) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, read with sub-clause (1) of clause 3 and sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri A.V. Dugade, presently General Manager, Bank of Maharashtra as a whole time director (designated as the Executive Director) of Bank of Maharashtra with effect from the date of taking charge of the post and upto 31-3-2008 i.e. the last day of the month in which he would attain the age of superannuation or until further orders.

[F.No. 9/7/2003-B.O.I.]

RAMESH CHAND, Under Secy.

नई दिल्ली, 28 जुलाई, 2003

का.आ. 2230.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970 के खंड 3 के उपखंड (1) के साथ पठित बैंककारी

कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा 3 एवं 3(क) के खंड (ज) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री देब किशोर भट्टाचार्य, एडवोकेट, 97, कुसुम अपार्टमेंट्स, 11, गुरुसादेय रोड, कोलकाता-700 019 को 28 जुलाई, 2003 से तीन वर्ष की अवधि के लिए इलाहाबाद बैंक में अंशकालिक गैर-सरकारी निदेशक के पद पर नामित करती है।

[एफ. सं. 9/17/2000-बी.ओ.आई.]

रमेश चन्द, अवर सचिव

New Delhi, the 28th July, 2003

S.O. 2230.—In exercise of the powers conferred by sub-section (3)(h) and (3-A) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, read with sub-clause (1) of Clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby nominates Shri Deb Kishore Bhattacharya, Advocate, 97, Kusum Apartments, 11, Gurusaday Road, Kolkata- 700 019 as part-time non-official Director of Allahabad Bank for a period of three years commencing on 28th July, 2003.

[F.No. 9/17/2000-B.O.I.]

RAMESH CHAND, Under Secy.

नई दिल्ली, 28 जुलाई, 2003

का.आ. 2231.—रुग्ण औद्योगिक कंपनी (विशेष उपबंध) अधिनियम, 1985 की धारा 6 की उप-धारा (2) के साथ पठित धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा न्यायाधीश जे.बी. गोयल को 1-7-2003 से 5-8-2003 तक की आगे की अवधि तक या औद्योगिक एवं वित्तीय पुनर्निर्माण अपीलीय प्राधिकरण के उत्सादन तक, या अगले आदेश होने तक, इनमें से जो भी पहले हो, के लिए औद्योगिक एवं वित्तीय पुनर्निर्माण अपीलीय प्राधिकरण के अध्यक्ष के रूप में पुनः नियुक्त करती है।

[फा. सं. 20 (2)/2002-आई एफ-II (I)]

एम. के. मल्होत्रा, अवर सचिव

New Delhi, the 28th July, 2003

S.O. 2231.—In pursuance of the powers conferred by sub-section (1) of Section 5 read with sub-section (2) of Section 6 of the Sick Industrial Companies (Special Provisions) Act, 1985, the Central Government hereby re-appoints Justice J.B. Goel as Chairman of the Appellate Authority for Industrial and Financial Reconstruction (AAIFR) for a further period from 1-7-2003 upto 5-8-2003 or till the abolition of AAIFR or until further orders whichever is earlier.

[F. No. 20(2) 2002-IF-II(1)]

M. K. MALHOTRA, Under Secy.

नई दिल्ली, 28 जुलाई, 2003

का.आ. 2232.—रुग्ण औद्योगिक कंपनी (विशेष उपबंध) अधिनियम, 1985 की धारा 6 की उप-धारा (2) के साथ पठित धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, डा. जे. के. बागची को 1-7-2003 से 5-8-2003 तक की आगे की अवधि तक या औद्योगिक एवं वित्तीय पुनर्निर्माण अपीलीय प्राधिकरण के उत्सादन तक, या अगले आदेश होने तक, इनमें से जो भी पहले हो, के लिए औद्योगिक एवं वित्तीय पुनर्निर्माण अपीलीय प्राधिकरण के सदस्य के रूप में पुनः नियुक्त करती है।

[फा. सं. 20(2) 2002-आई एफ-II(II)]

एम. के. मल्होत्रा, अवर सचिव

New Delhi, the 28th July, 2003

S.O. 2232.—In pursuance of the powers conferred by sub-section (1) of Section 5 read with sub-section (2) of Section 6 of the Sick Industrial Companies (Special Provisions) Act, 1985, the Central Government hereby re-appoints Dr. J. K. Bagchi, as Member of the Appellate Authority for Industrial and Financial Reconstruction (AAIFR) for a further period from 1-7-2003 upto 5-8-2003 or till the abolition of AAIFR or until further orders, whichever is earlier.

[F. No. 20(2) 2002-IF, II(II)]

M. K. MALHOTRA, Under Secy.

(राजस्व विभाग)

नई दिल्ली, 29 जुलाई, 2003

का.आ. 2233.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में राजस्व विभाग के अधीन केन्द्रीय उत्पाद एवं सीमा शुल्क बोर्ड के निम्नलिखित क्षेत्रीय कार्यालय को, जिनके 80 प्रतिशत कर्मचारीवृंद ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

सीमा शुल्क आयुक्त (सामान्य) का कार्यालय

नवीन सीमा शुल्क भवन

नजदीक आई. जी. आई. एयरपोर्ट

नई दिल्ली-110037

[फा. सं. 11011/3/2002-हिन्दी-2]

सतीश चन्द्र, अपर सचिव (प्रशासन)

(Department of Revenue)

New Delhi, the 29th July, 2003

S.O. 2233.—In pursuance of sub-rule (4) of Rule 10 of the Official Language (Use for Purposes of the Union) Rules, 1976 the Central Government hereby notifies the following Office under the Board of Central Excise and Customs, Department of Revenue the 80%

staff whereof have acquired the working knowledge of Hindi.

Office of the Commissioner of Customs (General)
New Custom House
Near I.G.I. Airport
New Delhi-110037

[F. No. 11011/3/2002-Hindi-2]
SATISH CHANDRA, Addl. Secy. (Admn.)

(आर्थिक कार्य विभाग)

(बीमा प्रभाग)

नई दिल्ली, 31 जुलाई, 2003

का.आ. 2234.—केन्द्रीय सरकार बीमा विनियामक एवं विकास प्राधिकरण अधिनियम, 1999 (1999 का 41) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए श्री टी. के. बैनर्जी, क्षेत्रीय प्रबंधक, भारतीय जीवन बीमा निगम को उक्त प्राधिकरण के पूर्णकालिक सदस्य के रूप में, उनके कार्यभार संभालने की तिथि से पांच वर्ष की अवधि अथवा 62 वर्ष की उम्र प्राप्ति होने तक यानि 02-08-2005 तक या अलग आदेश, जो भी पहले हो, एतद्द्वारा नियुक्त करती है।

[फा. सं. 21(1)/2002-बीमा-IV]

आर. रंगनाथ, निदेशक

(Department of Economic Affairs)

(INSURANCE DIVISION)

New Delhi, the 31st July, 2003

S.O. 2234.—In exercise of the powers conferred by Section 4 of the Insurance Regulatory and Development Authority Act, 1999 (41 of 1999) the Central Government hereby appoints Shri T. K. Banerjee, Zonal Manager, Life Insurance Corporation of India as Whole-time Member of the said Authority from the date he joins the post for a period of five years or till he attains the age of 62 years i.e. upto 02-08-2005 or until further orders, whichever event occurs the earliest.

[F. No. 21(1)/2002-Ins. IV]

R. RENGANATH, Director

(बैंकिंग प्रभाग)

नई दिल्ली, 31 जुलाई, 2003

का.आ. 2235.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबन्ध) स्कीम, 1970 के खण्ड 3 के उपखण्ड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा (3) के खण्ड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, निम्नलिखित सारणी के कालम (2) में उल्लिखित व्यक्तियों को उक्त सारणी के कालम (3) में उल्लिखित व्यक्तियों के स्थान पर कालम (1) में उल्लिखित राष्ट्रीयकृत बैंकों के निदेशक के

रूप में तत्काल प्रभाव से अगले आदेश तक के लिए नामित करती है :—

सारणी

बैंक का नाम	प्रस्तावित व्यक्ति का नाम	विद्यमान निदेशकों का नाम
1	2	3
बैंक ऑफ बड़ौदा	श्री रमेश चन्द्र, क्षेत्रीय निदेशक, भारतीय रिज़र्व बैंक, नई दिल्ली	श्री आनन्द सिन्हा, मुख्य महाप्रबंधक, डी.आई.सी.जी.सी., भारतीय रिज़र्व बैंक, मुम्बई।
केनरा बैंक	श्री सी. एस. मूर्ति, मुख्य महाप्रबंधक, आर.पी.सी.डी. भारतीय रिज़र्व बैंक, मुम्बई।	श्रीमती देवकी मुधुकृष्णन, क्षेत्रीय निदेशक, भारतीय रिज़र्व बैंक, बंगलौर।
यूको बैंक	श्री बी. घोष, क्षेत्रीय निदेशक, भारतीय रिज़र्व बैंक, चेन्नई।	श्री एन. एच. सिद्दीकी, कार्यपालक निदेशक, डी.आई.सी.जी.सी., भारतीय रिज़र्व बैंक, मुम्बई।
इंडियन ओवरसीज़ बैंक	श्री आनन्द सिन्हा, मुख्य महाप्रबंधक, डी.आई.सी.जी.सी., भारतीय रिज़र्व बैंक, मुम्बई।	श्री बी. घोष, क्षेत्रीय निदेशक, भारतीय रिज़र्व बैंक, चेन्नई।
पंजाब नेशनल बैंक	श्री वी. के. शर्मा, निदेशक, भारतीय रिज़र्व बैंक, कोलकाता।	श्री रमेश चन्द्र, क्षेत्रीय निदेशक, भारतीय रिज़र्व बैंक, नई दिल्ली।

[फा. सं. 9/9/2003-बी. ओ. आई. (i)]

रमेश चन्द्र, अवर सचिव

(BANKING DIVISION)

New Delhi, the 31st July, 2003

S.O. 2235.—In exercise of the powers conferred by clause (c) of sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, read with sub-clause (1) of Clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970 the Central Government, hereby nominates the persons specified in column (2) of the table below as Directors of the nationalised banks specified in column (1) thereof in place of the persons specified in column (3) of the said Table, with immediate effect and until further orders :—

Table

Name of the Bank	Name of person proposed	Name of the existing Directors
1	2	3
Bank of Baroda	Shri Ramesh Chander, Regional Director, Reserve Bank of India (RBI), New Delhi.	Shri Anand Sinha, Chief General Manager, DICGC, Reserve Bank of India (RBI), Mumbai.
Canara Bank	Shri C. S. Murthy, Chief General Manager, RPCD, RBI, Mumbai.	Smt. Devaki Muthu-Krishnan, Regional Director, Reserve Bank of India (RBI), Bangalore.
UCO Bank	Shri B. Ghosh, Regional Director, RBI, Chennai.	Shri N. H. Siddiqui, Executive Director, DICGC, RBI, Mumbai.
Indian Overseas Bank	Shri Anand Sinha, CGM, DICGC, RBI, Mumbai.	Shri B. Ghosh, Regional Director, RBI, Chennai.
Punjab National Bank	Shri V. K. Sharma, Regional Director, RBI, Kolkata.	Shri Ramesh Chander, Regional Director, RBI, New Delhi.

[F. No. 9/9/2003-B. O. I.(i)]
RAMESH CHAND, Under Secy.

नई दिल्ली, 31 जुलाई, 2003

का.आ. 2236.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबंध) स्कीम, 1970 के खण्ड 3 के उपखण्ड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा (3) के खण्ड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, निम्नलिखित सारणी के कालम (2) में उल्लिखित व्यक्तियों को उक्त सारणी के कालम (3) में उल्लिखित व्यक्तियों के स्थान पर कालम (1) में उल्लिखित राष्ट्रीयकृत बैंकों के निदेशक के रूप में तत्काल प्रभाव से अगले आदेश तक के लिए नामित करती है :—

सारणी

बैंक का नाम	प्रस्तावित व्यक्ति का नाम	विद्यमान निदेशकों का नाम
1	2	3
आन्ध्रा बैंक	श्रीमती देवकी मुथुकृष्णन, क्षेत्रीय निदेशक, भारतीय रिज़र्व बैंक, बंगलौर।	श्री एस. एस. गंगोपाध्याय, डी.बी.एस.एफ.आई.डी., भारतीय रिज़र्व बैंक, मुम्बई।
विजया बैंक	श्री के. आर. आनन्द, मुख्य महाप्रबंधक, यूबीडी, क्षेत्रीय कार्यालय, भारतीय रिज़र्व बैंक, मुम्बई।	श्री ए. पी. होटा, महानिदेशक, भारतीय रिज़र्व बैंक, बंगलौर।

[फा. सं. 9/9/2003-बी. ओ. आई. (ii)]
रमेश चन्द, अवर सचिव

New Delhi, the 31st July, 2003

S.O. 2236.—In exercise of the powers conferred by clause (c) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, read with sub-clause (1) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980 the Central Government, hereby nominates the persons specified in column (2) of the table below as Directors of the nationalised banks specified in column (1) thereof in place of the persons specified in column (3) of the said Table, with immediate effect and until further orders :—

Table

Name of the Bank	Name of person proposed	Name of the existing Directors
1	2	3
Andhra Bank	Smt. Devaki Muthukrishnan, Regional Director, Reserve Bank of India (RBI), Bangalore.	Shri S. S. Gangopadhyay, CGM, DBS, FID, RBI, Mumbai.
Vijaya Bank	Shri K.R. Ananda, CGM, UBD, Regional Office, RBI, Mumbai.	Shri A. P. Hota, GM, RBI, Bangalore.

[F. No. 9/9/2003-B.O.I.(ii)]
RAMESH CHAND, Under Secy.

वाणिज्य और उद्योग मंत्रालय

(वाणिज्य विभाग)

नई दिल्ली, 25 जुलाई, 2003

का.आ. 2237.—केन्द्रीय सरकार शत्रु सम्पत्ति अधिनियम, 1968 (1968 का 34) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत के राजपत्र, भाग II, खण्ड 3, उपखंड (ii), तारीख 14 मार्च, 1998 में प्रकाशित अधिसूचना सं. का. आ. 515, 2 मार्च, 1998 को उन बातों के सिवाय अधिक्रांत करते हुए, जिन्हें ऐसे अधिक्रमण से पूर्व किया गया है या करने से लोप किया गया है, उत्तर प्रदेश सरकार के सचिव (राजस्व-6) को उन क्षेत्रों के लिए पदेन उप-शत्रु सम्पत्ति अभिरक्षक के रूप में कार्य करने के लिए नियुक्त करती है, जो उत्तर प्रदेश राज्य के राज्य क्षेत्र के भीतर आते हैं।

[फा. सं. 12/23/2003-ई. आई. एण्ड ई. पी.]
राज सिंह, उप सचिव

MINISTRY OF COMMERCE AND INDUSTRY

(Department of Commerce)

New Delhi, the 25th July, 2003

S.O. 2237.—In exercise of the powers conferred by section 3 of the Enemy Property Act, 1968 (34 of 1968) and in supersession of the notification No. S. O. 515 dated

2nd March, 1998 published in the Gazette of India, Part II, Section 3, Sub-section (ii) dated the 14th March, 1998, except as respects things done or omitted to be done before such supersession, the Central Government hereby appoints Secretary (Revenue-6) of the Government of Uttar Pradesh to act as *ex-officio* Deputy Custodian of Enemy Property for the areas falling within the territories of the State of Uttar Pradesh.

[F. No. 12/23/2003-EI & EP]
RAJ SINGH, Dy. Secy.

खान मंत्रालय

नई दिल्ली, 30 जुलाई, 2003

का.आ. 2238.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में खान मंत्रालय के एक अधीनस्थ कार्यालय, भारतीय खान ब्यूरो के बंगलौर कार्यालय को, जिसके 80% से अधिक कर्मचारी-बुंद ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती हैं।

[सं. ई-11016/1/98/हिन्दी]
प्रशान्त मेहता, संयुक्त सचिव

MINISTRY OF MINES

New Delhi, the 30th July, 2003

S.O. 2238.—In pursuance of sub-rule (4) of rule 10 of the official language (use for official purpose of the Union) Rules, 1976 the Central Government hereby notifies Bangalore office of Indian Bureau of Mines, a subordinate office of Ministry of Mines, where of more than 80% staff have acquired the working knowledge of Hindi.

[F. No. E-11016/1/98-HINDI]
PRASHANT MEHTA, Jt. Secy.

पोत परिवहन मंत्रालय

नई दिल्ली, 25 जुलाई, 2003

का.आ. 2239.—भारत सरकार, निम्नलिखित कार्यालय, जहां 80% से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है और जो इस मंत्रालय के प्रशासनिक नियंत्रण में हैं, को राजभाषा (संघ के सरकारी उद्देश्य के लिए प्रयोग) नियमावली, 1976 के नियम 10 के उप नियम (4) के तहत अधिसूचित करती हैं :—

हिन्दुस्तान शिपयार्ड लि.,
विशाखापट्टनम-530005

[फा. सं. ई-11011/1/2000-हिन्दी]
आर. के. जैन, संयुक्त सचिव

MINISTRY OF SHIPPING

New Delhi, the 25th July, 2003

S.O. 2239.—In pursuance of sub-rule (4) of rule 10 of the Official Language (use for official purpose of the Union) Rules, 1976, the Government of India hereby notifies the following office under the administrative control of the Ministry of Shipping where more than 80% of staff have acquired working knowledge in Hindi :—

Hindustan Shipyard Ltd.,
Visakhapatnam-530005

[F. No. E-11011/1/2000-HINDI]
R. K. JAIN, Jt. Secy.

रेल मंत्रालय

(रेलवे बोर्ड)

नई दिल्ली, 18 जुलाई, 2003

का.आ. 2240.—रेल मंत्रालय (रेलवे बोर्ड) राजभाषा नियम 1976 (संघ के शासकीय प्रयोजनों के लिए प्रयोग) के नियम 10 के उपनियम (2) और (4) के अनुसरण में उत्तर रेलवे के मुरादाबाद मंडल के विभिन्न स्टेशनों, दक्षिण-मध्य, पूर्व तथा दक्षिण-पूर्व रेलवे के निम्नलिखित कार्यालयों, जहां 80% से अधिक अधिकारियों/कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करता है :—

उत्तर रेलवे (मुरादाबाद मंडल)

1. ज्वालापुर
2. एककड़
3. पथरी
4. ऐथल
5. रायसी
6. बालाबली
7. चंदोक
8. मुअज्जमपुर नारायण
9. फजलपुर
10. मुरादाबाद
11. बुंदकी
12. नगीना
13. पुरैनी

14. हबीबवाला
15. धामपुर
16. चक्राजमल
17. स्यौहोरा
18. मेवा नवादा
19. कांठ
20. मतलबपुर
21. अगवानपुर
22. हरथला
23. बरेली स्टेशन
24. कांठद्वार
25. क्रायकेश

दक्षिण-मध्य रेलवे

1. उप मुख्य सिगनल व दूरसंचार कारखाना (शॉप) कार्यालय/
मेदुगुडा कारखाना

(गुंतकल मंडल)

1. चिकित्सा अधीक्षक कार्यालय/रायचूर
2. चिकित्सा अधीक्षक कार्यालय/गुत्ती
3. चिकित्सा अधीक्षक कार्यालय/कडप्पा
4. चिकित्सा अधीक्षक कार्यालय/नंदलूर
5. चिकित्सा अधीक्षक कार्यालय/रेणिंगुंटा
6. चिकित्सा अधीक्षक कार्यालय/नंद्याल
7. सहायक मंडल इंजीनियर/रायचूर
8. सहायक मंडल इंजीनियर/कडप्पा
9. सहायक मंडल इंजीनियर/नंद्याल
10. सहायक सिगनल व दूर संचार इंजीनियर/रेणिंगुंटा

पूर्व रेलवे मुख्यालय

1. विधि अनुभाग/मुख्य कार्मिक अधिकारी कार्यालय
2. चिकित्सा अनुभाग/मुख्य कार्मिक अधिकारी कार्यालय
3. भंडार (मुख्यालय) अनुभाग/मुख्य कार्मिक अधिकारी कार्यालय

4. भंडार (स्टोर लाइन) अनुभाग/मुख्य कार्मिक अधिकारी कार्यालय

5. डब्ल्यू. 4 अनुभाग/मुख्य इंजीनियर कार्यालय

दक्षिण-पूर्व रेलवे

1. क्षेत्रीय प्रशिक्षण केंद्र, सीनी

[सं. हिंदी-2003/रा. भा.-1/12/2]

राजीव रंजन जारूहार, सचिव

MINISTRY OF RAILWAYS**(Railway Board)**

New Delhi, the 18th July, 2003

S.O. 2240.—Ministry of Railways (Railway Board). in pursuance of Sub Rules (2) and (4) of Rule 10 of the Official Language Rules, 1976, (use for the official purposes of the Union) hereby notify the various stations of Muradabad Division of Northern Railway and following offices of South Central, Eastern, and South Eastern Railway, where 80% of the Officers/Employees have acquired the working knowledge of Hindi :—

Northern Railway (Muradabad Division)

1. Jawalapur
2. Ikhar
3. Pathri
4. Aithal
5. Raisi
6. Balawali
7. Chandok
8. Muazzampur Narain
9. Fazalpur
10. Murshadpur
11. Bundki
12. Nagina
13. Puraini
14. Habibwala
15. Dhampur
16. Chakrajmal
17. Seohara
18. Mewa Nawada

19. Kanth
20. Matlabpur
21. Aghwanpur
22. Harthal
23. Bareilly Station
24. Kotdwara
25. Rishikesh

South Central Railway

1. Office of the Dy. Chief Signal & Telecommunication Engineer (Shop)/Metugudda Workshop

(Guntkal Division)

1. Medical Superintendent Office/Raichur
2. Medical Superintendent Office/Guti
3. Medical Superintendent Office/Kadappa
4. Medical Superintendent Office/Nandlur
5. Medical Superintendent Office/Renigunta
6. Medical Superintendent Office/Nandyal
7. Assistant Divisional Engineer/Raichur
8. Assistant Divisional Engineer/Kadappa
9. Assistant Divisional Engineer/Nandyal
10. Assistant Divisional Engineer/Renigunta

Eastern Railway Headquarters

1. Legal Section/C.P.O.'s office
2. Treatment Section/C.P.O.'s office
3. Store (Head Office) Section/C.P.O.'s office
4. Store (Store line) Section/C.P.O.'s office
5. W-4 Section/C.E.'s office

South Eastern Railway

1. Zonal Training Centre, Sini

[No. Hindi-2003/OL-I/12/2]
RAJIV RANJAN JARUHAR, Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 29 जुलाई, 2003

का.आ. 2241.—कोलम्बो विश्वविद्यालय द्वारा प्रदान की गई एमबीबीएस चिकित्सा अर्हता भारतीय चिकित्सा परिषद् अधिनियम,

1956 (1956 का 102) के प्रयोजनार्थ, उक्त अधिनियम की धारा 14 के अन्तर्गत, एक मान्यताप्राप्त चिकित्सा अर्हता है;

और श्री लंका नागरिक डा. गानेगोडा गे निहाल, जिनके पास उपर्युक्त अर्हता है, चिकित्सा अनुसंधान फाउंडेशन 18, कालेज रोड, चैन्नई से पूर्ण कार्य के प्रयोजन के लिए संलग्न हैं और न कि निजी लाभ के लिए;

अतः अब उपर्युक्त अधिनियम की धारा 14 की उप-धारा (1) के खंड (ग) के अनुसरण में केन्द्रीय सरकार एतद्वारा यह विनिर्दिष्ट करती है कि भारत में डा. गानेगोडा गे निहाल द्वारा चिकित्सा व्यवसाय की अवधि :—

(क) इस अधिसूचना के जारी होने की तिथि से एक वर्ष की अवधि तक; अथवा

(ख) उस अवधि तक, जिसके दौरान डा. गानेगोडा गे निहाल, चिकित्सा अनुसंधान फाउंडेशन, 18, कालेज रोड, चैन्नई से संलग्न रहते हैं, जो भी कम हो, परिसीमित होगी।

[संख्या बी-11016/1/2003-एम ई (नीति-1)]

पी. जी. कलाधरन, अवसर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, the 29th July, 2003

S.O. 2241.—Whereas medical qualification MBBS granted by University of Colombo is a recognised medical qualification for the purpose of the Indian Medical Council Act, 1956 (102 of 1956) under Section 14 of the said Act:

And whereas Dr. Ganegoda Ge Nihal, Srilankan National, who possess the said qualification is attached to Medical Research Foundation, 18, College Road, Chennai, for the purpose of charitable work and not for personal gain:

Now, therefore, in pursuance of clause (c) of sub-section (1) of Section 14 of the said Act, the Central Government hereby specifies that the period of practice of medicine by Dr. Ganegoda Ge Nihal in India shall be limited to :—

(a) a period of one year from the date of issue of this notification; or

(b) the period during which Dr. Ganegoda Ge Nihal is attached to Medical Research Foundation, 18, College Road, Chennai, whichever is shorter.

[No. V-11016/1/2003-ME (Policy-I)]
P. G. KALADHARAN, Under Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

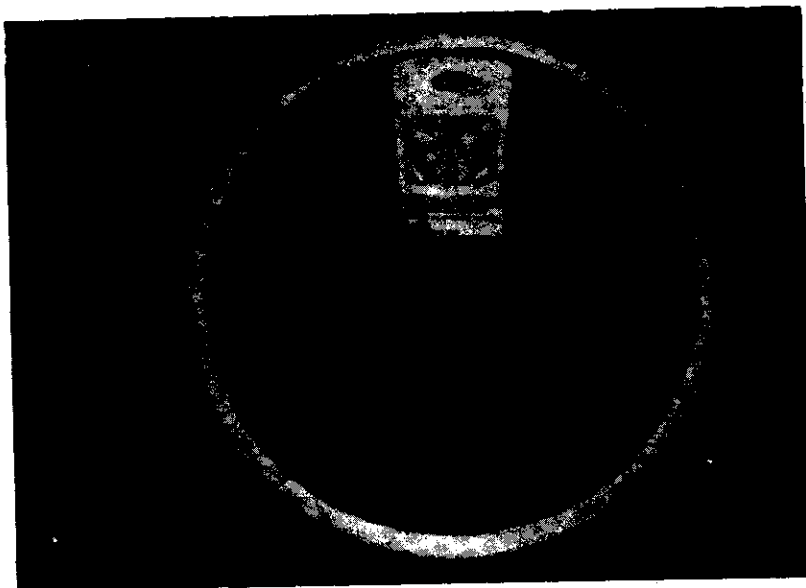
(उपभोक्ता मामले विभाग)

नई दिल्ली, 1 अगस्त, 2003

का.आ. 2242.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एनीवे इंडिया प्राइवेट लिमिटेड, एफ-87, ओखला इंडस्ट्रियल एस्टेट, फेज-III, नई दिल्ली-110020 द्वारा विनिर्मित साधारण यथार्थता वर्ग (यथार्थता वर्ग 4) वाले “अमर” शृंखला के केवल घरेलू उपयोग के लिए स्नानागार स्केल उपकरण के मॉडल का, जिसके ब्रांड का नाम “एनीवे” है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/124 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक कमानी आधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 120 कि. ग्रा. है। सत्यापन मान अंतराल (ई) का मान 500 ग्रा. है। यह उपकरण केवल घरेलू उपयोग के लिए है।



और, केन्द्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 150 कि. ग्रा. है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अन्तराल (एन) 100 ग्रा. या अधिक के “ई” मान के लिए 100 से 1000 के रेंज में हैं तथा जिनका “ई” मान 1×10^0 , 2×10^0 , या 5×10^0 , के है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू एम-21(174)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

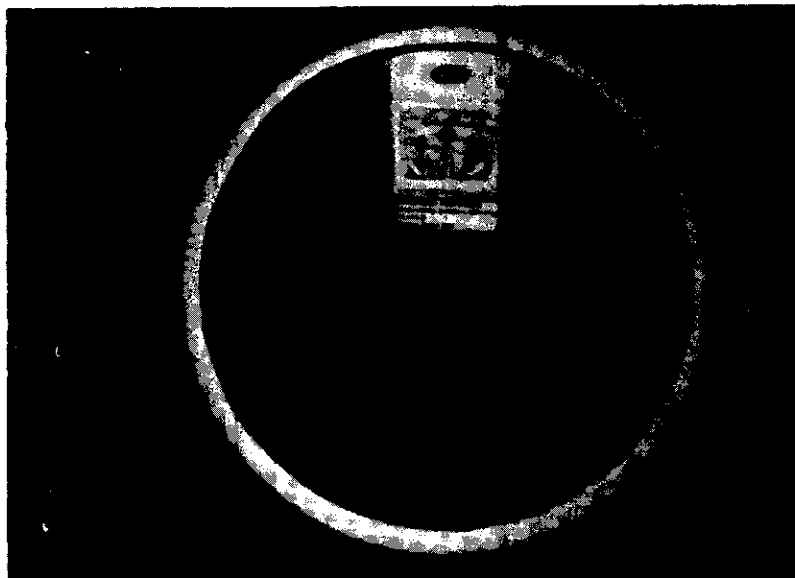
MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION**(Department of Consumer Affairs)**

New Delhi, the 1st August, 2003

S.O. 2242.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Models described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over period of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of Model of the Bathroom Scale instrument for domestic use only belonging to ordinary accuracy (accuracy class-IV) of "AMAR" series with brand name "Annieweigh" (hereinafter referred to as the Model), manufactured by M/s Annieweigh India Private Limited, F-87, Okhla Industrial Estate Phase-III, New Delhi-110020 and which is assigned the approval mark IND/09/03/124;

The said Model (See the figure given) is a spring based weighing instrument maximum capacity 120 kg. and value of verification scale interval (e) is 500 g. The instrument is meant for domestic use only.



Further, in exercise of the powers conferred by sub-section (12) of said Section, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 150 kg. and with number of verification scale interval (n) in the range of 100 to 1000 for 'e' value of 100 g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model have been manufactured.

[F. No. WM-21(174)/2002]

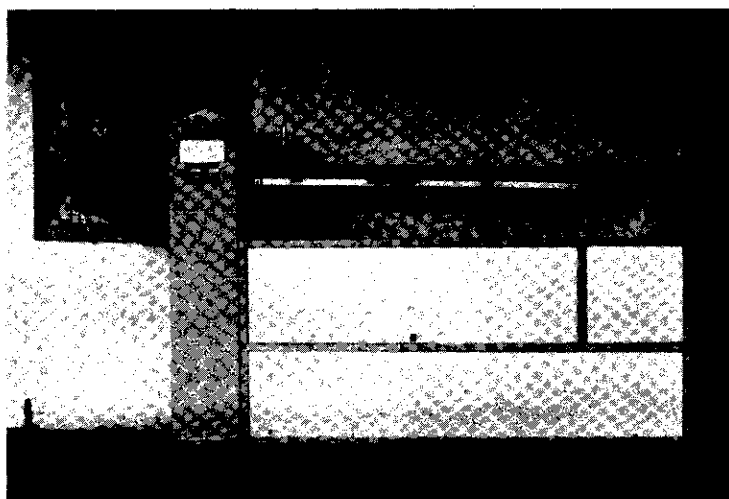
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 1 अगस्त, 2003

का.आ. 2243.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स शिवम वेडिंग इंजीनियरिंग कं., 58, जी आई डी सी एस्टेट, पिलोदी, हिमतनगर-383001 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग 3) वाले "शिवम" श्रृंखला के अस्वचालित तोलन उपकरण (यांत्रिक स्टील यार्ड वेब्रिज प्रकार) के माडल का, जिसके ब्रांड का नाम "शिवम" है (जिसे इसमें माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/03/111 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त माडल (आकृति देखें) मध्यम यथार्थता वर्ग (यथार्थता वर्ग 3) का लीवर आधारित स्टील यार्ड प्रकार का अस्वचालित (यांत्रिक वेब्रिज प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 40 टन और न्यूनतम क्षमता 100 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 कि. ग्रा. है।



स्टाम्प लगाने वाली प्लेट को मुद्रांकन करने के अतिरिक्त किन्हीं कपटपूर्ण व्यवहारों को रोकने के लिए संतुलन बाल प्वाज पर मुद्रांकन की जाती है।

और, केन्द्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 5 टन से अधिक और 60 टन तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे उक्त अनुमोदित माडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अंतराल (एन) की संख्या 5 कि. ग्रा. या अधिक के सत्यापन अंतराल मान के लिए 500 से 10000 की रेंज में हैं तथा जिनका "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू एम-21(321)/2001]

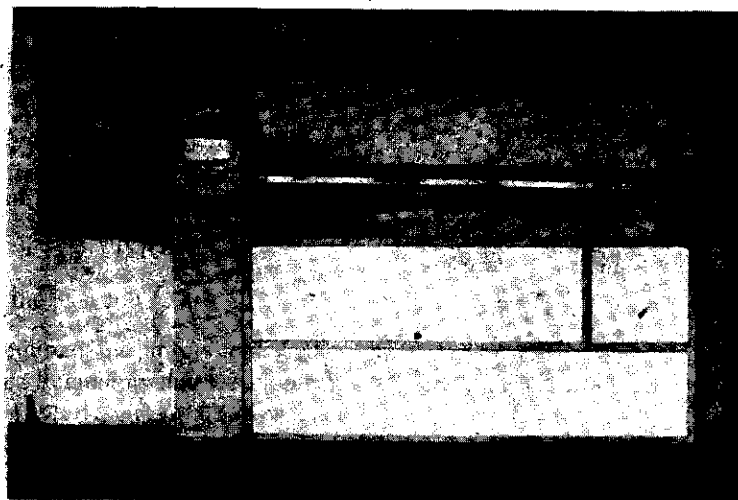
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st August, 2003

S.O. 2243.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of Model of non-automatic weighing instruments (Mechanical Steel yard type weighbridge) of "SHIVAM" series belonging to medium accuracy (accuracy class-III) with brand name "SHIVAM" (herein referred to as the Model), manufactured by M/s Shivam Weighing Engineering Co., 58, G.I.D.C. Estate Piplodi, Himatnagar-383001 and which is assigned the approval mark IND/09/03/111:

The said Model (See the figure) is a lever based Steel yard type non-automatic weighing instrument (Mechanical weigh bridge) of maximum capacity 40 tonne, minimum capacity 100kg, and belonging to medium accuracy class (accuracy class-III). The value of verification scale interval (e) is 5 kg.



In addition to sealing the stamping plate, sealing is done on the balance ball, poise to prevent any fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of the said Section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 60 tonne with verification interval value of 5 kg, or above for number of verification scale interval (n) in the range of 500 to 10000 and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model have been manufactured.

[F. No. WM-21(321)/2001]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

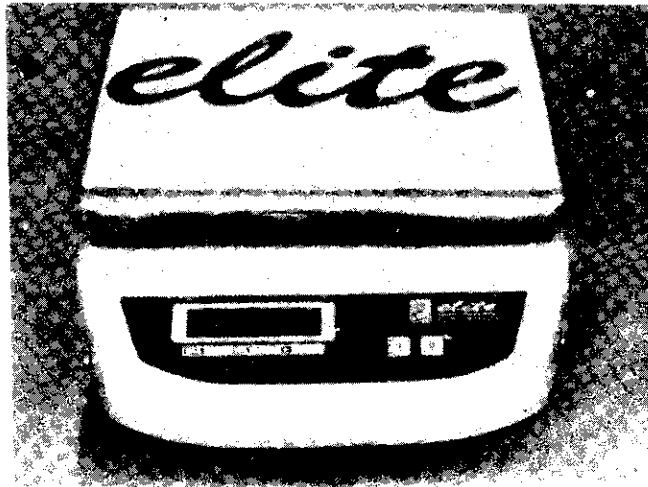
नई दिल्ली, 1 अगस्त, 2003

का.आ. 2244.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इलाइट इलेक्ट्रॉनिक्स, पटेलवाडी के सामने, शिवाजी नगर, सावरकुण्डला-364515 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग 3) वाले 'ई ई टी' श्रृंखला के अम्बचालित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "इलाइट" है (जिसे इसमें माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/98 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) विकृतमापी भार सेल आधारित अस्वचालित (टेबल टाप प्रकार) का तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। इसमें एक आधेबतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदेशित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलिंग की जाती है।



और, केन्द्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि. ग्राम तक है जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अंतराल (एन) 100 मि. ग्रा. से 2 ग्राम तक के "ई" मान के लिए 100 से 10,000 की रेंज में है और सत्यापन मापमान अंतराल (एन) 5 ग्रा. या अधिक के "ई" मान के लिए 100 से 10000 की रेंज में है तथा जिनका "ई" मान 1×10^3 , 2×10^3 या 5×10^3 है जिसमें 'के' धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा.सं. डब्ल्यू एम-21(261)/2001]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st August, 2003

S.O. 2244.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Models described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over period of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of non-automatic weighing instrument (table top type) belonging to medium accuracy (accuracy class-III) of "EET" series with brand name "ELITE" (herein referred to as the Model), manufactured by M/s. Elite Electronics, Opp. Patel Wadi, Shivaji Nagar, Savarkundla-364515 and which is assigned the approval mark IND/09/2003/98;

The said Model (see the figure given below) is strain gauge load cell based non-automatic weighing instrument (table top type). The maximum capacity is 30 kg and minimum capacity 100 g. The value of verification scale interval "e" is 5 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230V, 50Hz alternative power supply. In addition to sealing the stamping plate, sealing is done to prevent opening of the machine for fraudulent practices.

In addition to sealing the stamping plate sealing is done to prevent opening of the Machine for fraudulent practices.



Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg, and with number of verification scale interval(n) in the range of 100 to 10,000 for "e" value of 100 mg, to 2g and with the number of verification scale interval (n) in the range 500 to 10,000 for "e" value of 5 g or more and with "e" value of 1×10^4 , 2×10^4 , or 5×10^4 , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[F. No. WM-21(261)/2001]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 1 अगस्त, 2003

का.आ. 2245.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए सेंसर्स एशियन स्केल इंडस्ट्रीज, तेलियों की मस्जिद के पास, सिजाती गेट के अंदर, जोधपुर (राजस्थान) द्वारा विनिर्मित यांत्रिक काउंटर मशीन के मॉडल का, जिसके ब्रांड का नाम “बाज” है (जिसे इसमें मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/84 समनुद्दिष्ट किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है ;

यह मॉडल (आकृति देखें) एक काउंटर मशीन है । इसकी अधिकतम क्षमता 10 कि.ग्रा. है ।



और, केन्द्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी मेक, यथार्थता और कार्यपालन वाली ऐसी यांत्रिक काउंटर मशीन भी होगी जो 500 ग्रा. से 50 कि. ग्रा. की रेंज में है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है ।

[फा. सं. डब्ल्यू एम-21(328)/2001]

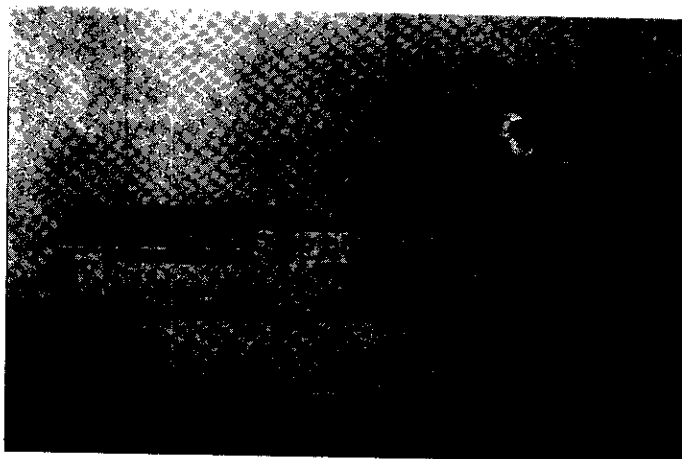
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st August, 2003

S.O. 2245.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Models described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over period of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by sub-section (7) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of mechanical counter machine (herein referred to as the Model) with brand name "BAAZ" manufactured by M/s. Asian Scale Industries, Near Telion Ki Masjid, Inside Sijati Gate, Jodhpur (Rajasthan) and which is assigned the approval mark IND/09/03/84 :

The Model (see the figure) is a counter machine with maximum capacity of 10 kg.



Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the Mechanical counter machine of similar make, accuracy and performance with in the range of 500 g. to 50 kg. manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

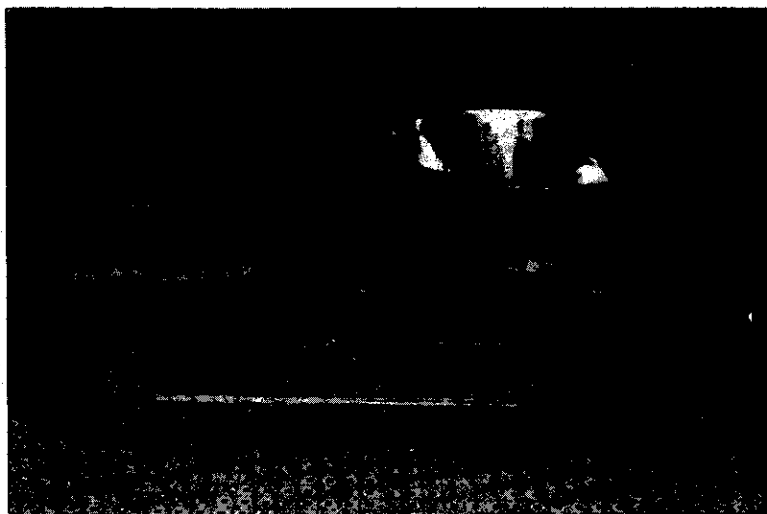
[F. No. WM-21(328)/2001]
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 1 अगस्त, 2003

का.आ. 2246.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) वाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा वाट और मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल अपनी यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एम. जी. पूनावाला, छाक कापले गली, लालगेट, सूरत-325003 द्वारा विनिर्मित यांत्रिक काउंटर मशीन के मॉडल का, जिसके ब्रांड का नाम "रूबी" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2001/174 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है ;

उक्त मॉडल एक यांत्रिक काउंटर मशीन है । इसकी अधिकतम क्षमता 10 कि.ग्रा. है ।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 500 ग्रा. से 50 कि. ग्रा. तक है और जिनका निर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है ।

[फा. सं. डब्ल्यू एम-21(216)/2001]

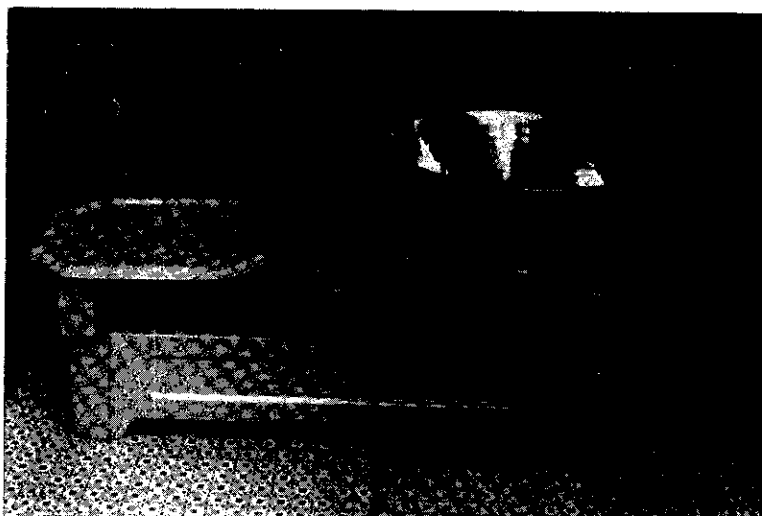
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st August, 2003

S.O. 2246.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of counter machine with brand name "RUBY" (herein referred to as the Model) manufactured by M/s. M. G. Poonawala, Chahakaply Gali, Lal Gate, Surat-325003 and which is assigned the approval mark IND/09/2001/174 :

The said Model (see the figure) is a counter machine (Mechanical) with a maximum capacity of 10 kg.



Further, in exercise of the powers conferred by sub-section (12) of the said Section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of the same series with maximum capacity from 500 g. upto 50 kg. manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured..

[F. No. WM-21(216)/2001]

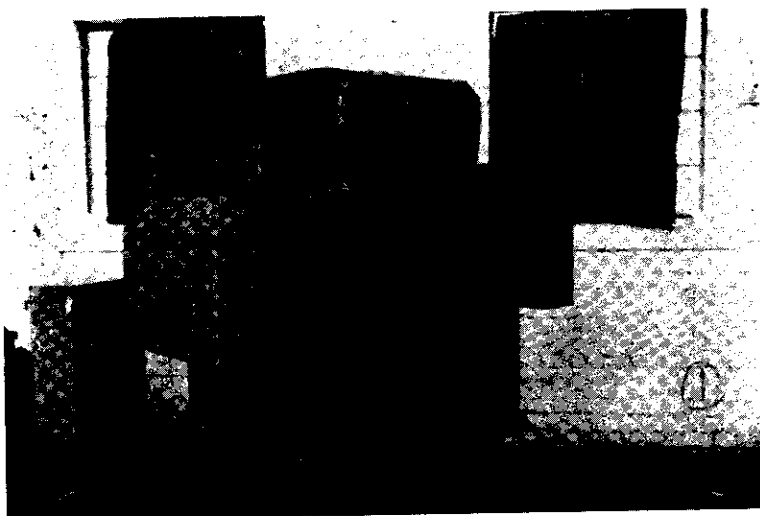
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 1 अगस्त, 2003

का.आ. 2247.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः, अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स पावर बिल्ड लिमिटेड, डाकघर बाक्स सं. 28, आनन्द-सोजित रोड, विठल उद्योगनगर-388121 (गुजरात) द्वारा विनिर्मित "एन 50/II" शृंखला के स्वतः मशीन (यांत्रिक प्रकार) के मॉडल का, जिसके ब्रांड का नाम "पावर बिल्ड" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/86 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है ;

सीलबंद करना : स्टाम्प लगाने वाली प्लेट के पास पेनल बोर्ड के पीछे की ओर सील लगाने का स्थल दिया गया है । कपटपूर्ण उपयोग से बचने के लिए समुचित प्लेट पर अतिरिक्त सील लगाई जाती है ।



यह मॉडल (दी गई आकृति देखें) एक स्वतःस्वचालित तोलन मशीन है । यह स्थिर शीर्ष के अधीन गुरुत्वीयभरण के सिद्धांत पर कार्य करती है । मशीन 25 कि. ग्रा. से 100 कि. ग्रा. के बीच किसी रेंज में परिदत्त करने के लिए समायोजित की जा सकती है । यह उत्पाद विनिर्देशों और बैग की क्वालिटी पर निर्भर करते हुए 200 से 600 बैग प्रति घंटा (अधिकतम) भर सकती है । यह मशीन उर्वरकों, चाय, कॉफी, मसाले, चीनी, कपिकाओं, रसायन और भेषज उत्पादों आदि जैसे सुप्रवाही उत्पादों को भरने के लिए डिजाइन की गई है । यह 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है । संप्रदर्श निर्वात प्रतिदीप्तिशील संप्रदर्श प्रकार का है ।

[फा. सं. डब्ल्यू एम-21(135)/2000]

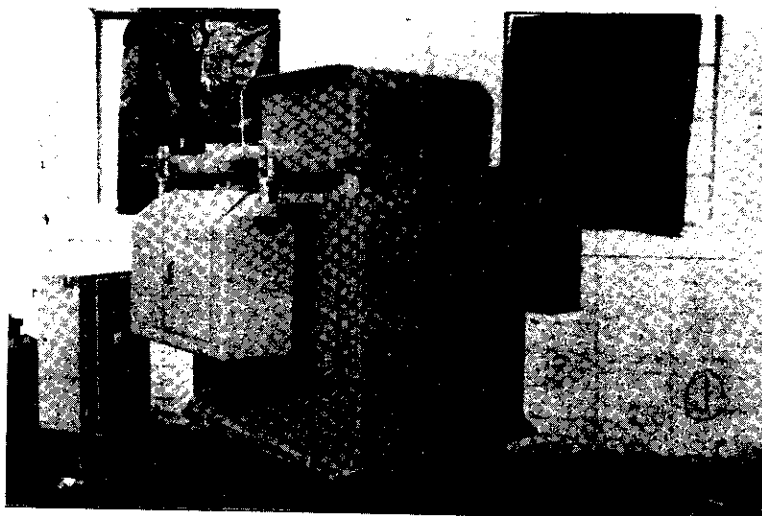
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st August, 2003

S.O. 2247.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by sub-section (7) Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the automatic weighing machine (Mechanical type) of 'N50/II' series and with brand name "POWER BUILD" (herein referred to as the Model) manufactured by M/s. Power Build Limited, P.O. Box No. 28, Anand-Sojitra Road, Vithal Udyog Nagar-388 121 (Gujarat) and which is assigned the approval mark IND/09/2003/86 :

Sealing : Sealing point is provided on the back side of the panel board near stamping plate. To avoid fraudulent use additional sealing is done at the appropriate plate.



The Model (see the figure given) is an automatic weighing machine. It works on the principle of gravity feed under constant head. The machine can be adjusted to deliver any range between 25 kg. and 100 kg. It can fill 200 to 600 bags per hour (maximum) depending upon the product specifications and quantity of the Bag. The machine is designed to fill free flowing products such as, fertilisers, tea, coffee, spices, sugar granules, chemical and Pharmaceutical products etc. It operates on 230 volt, 50 Hertz alternate current power supply. The display is of vacuum fluorescent display type.

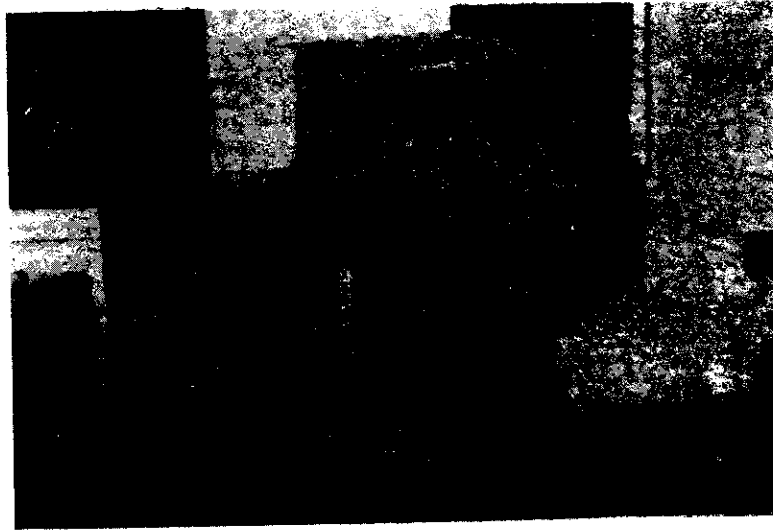
[F. No. WM-21(135)/2000]
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 1 अगस्त, 2003

का.आ. 2248.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स पावर बिल्ड लिमिटेड, डाकघर बाक्स सं. 28, आनन्द-सोनित रोड, विठल उद्योगनगर-388121 (गुजरात) द्वारा विनिर्मित यथार्थता वर्ग (यथार्थता वर्ग.....) वाले “एनईएम 50” श्रृंखला के स्वतः चालित तोलन मशीन (आर सेल आधारित प्रकार) के मॉडल का, जिसके ब्रांड का नाम “पावर बिल्ड” है (जिसे इसमें मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/87 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है ;

सीलबंद करना : स्टाम्प लगाने वाली प्लेट के पास पेनल बोर्ड के पीछे की ओर सील लगाने का स्थल दिया गया है । कपटपूर्ण उपयोग से बचने के लिए समुचित प्लेट पर अतिरिक्त सील लगाई जाती है ।



यह मॉडल (दी गई आकृति देखें) एक स्वतः स्वचालित तोलन मशीन है । यह स्थिर शीर्ष के अधीन गुरुत्वीयभरण के सिद्धांत पर कार्य करती है । मशीन 25 कि. ग्रा. से 100 कि. ग्रा. के बीच किसी रेंज में परिदत्त करने के लिए समायोजित की जा सकती है । यह उत्पाद विनिर्देशों और बैग की क्वालिटी पर निर्भर करते हुए 200 से 600 बैग प्रति घंटा (अधिकतम) भर सकती है । यह मशीन उर्वरकों, चाय, कॉफी, मसाले, चीनी कणिकाओं, रसायन और भेषज उत्पादों आदि जैसे सुप्रवाही उत्पादों को भरने के लिए डिजाइन की गई है । यह उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।

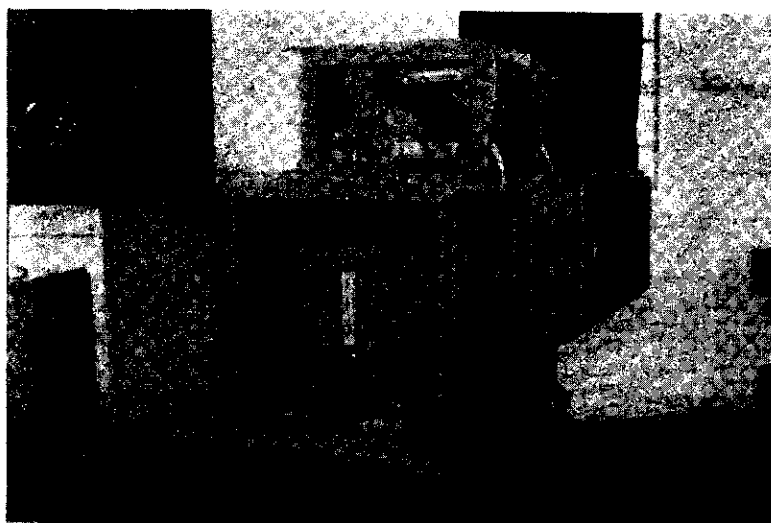
[फा. सं. डब्ल्यू.एम-21(135)/2000]
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st August, 2003

S.O. 2248.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Models described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over period of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the automatic weighing machine (load cell based) of 'NEM-50' series and with brand name "POWER BUILD" (herein referred as the Model) manufactured by M/s. Power Build Limited, P.O. Box No. 28, Anand-Sojitra Road, Vithal Udyog Nagar-388 121 (Gujarat) and which is assigned the approval mark IND/09/2003/87.

Sealing : Sealing point is provided on the back side of the panel board near stamping plate. To avoid fraudulent use additional sealing is done at the appropriate plate.



The Model (see the figure given) is an automatic weighing machine. It works on the principle of gravity feed under constant head. The machine can be adjusted to deliver any range between 25 kg. to 100 kg. It can fill 200 to 600 bags per hour (maximum) depending upon the product specifications and quantity of the Bag. The machine is designed to fill free flowing products such as, fertilisers, tea, coffee, spices, sugar granules, chemical and Pharmaceutical products etc. It operates on 230 volt, 50 Hertz alternate current power supply.

[F. No. WM-21(135)/2000]

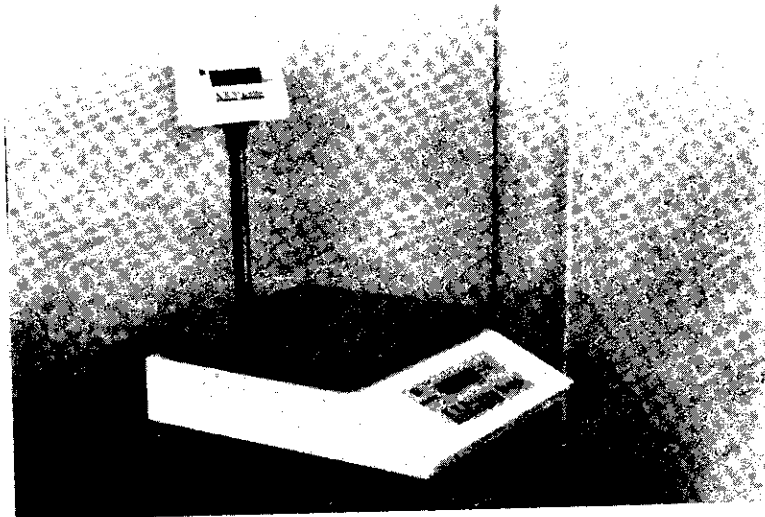
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 1 अगस्त, 2003

का.आ. 2249.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स के. आर. सिस्टम्स, नं. 2, सारंग, राजा भगत स्कूल के सामने, मनियासा, मनीनगर (पूर्व), अहमदाबाद-380008 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग 3) वाले “एम एम” श्रृंखला के तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “मास मास्टर” है (जिसे इसमें मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/110 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त मॉडल (आकृति देखें) दाब गेज भार सेल आधारित अस्वचालित टेबल टॉप प्रकार का तोलन उपकरण है। इसकी अधिकतम क्षमता 20 कि. ग्रा. और न्यूनतम क्षमता 40 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्शन तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट को सील करने के अतिरिक्त कपटपूर्ण व्यवहार के लिए मशीन को खोलने से रोकने के लिए मुहरबंदी की गयी है।

और केन्द्रीय सरकार उक्त धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी यथार्थता वर्ग और उसी मेक वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि. ग्राम तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 100 मि. ग्रा. से 2 ग्राम तक के “ई” मान के लिए 100 से 10,000 की रेंज में है और सत्यापन मापमान अन्तराल (एन) की संख्या 5 ग्राम से अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में है तथा जिनका “ई” मान 1×10^{-3} , 2×10^{-3} या 5×10^{-3} है जिसमें के धनात्मक या ऋणात्मक पूर्णांक हैं और शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(61)/2001]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

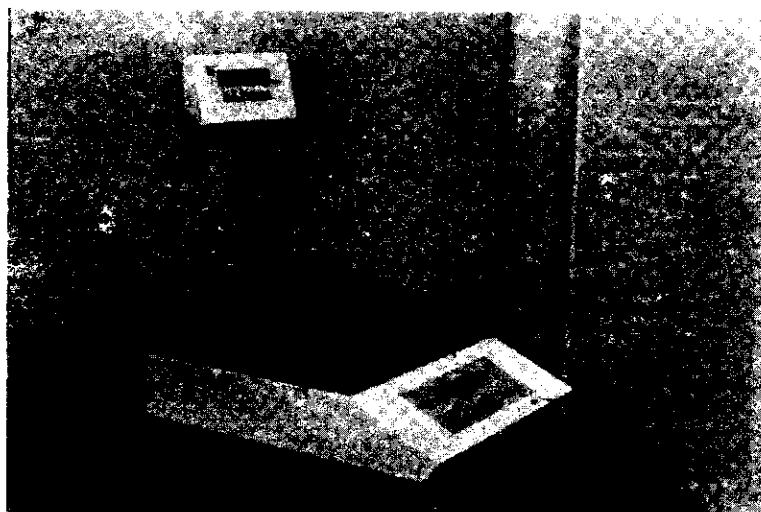
New Delhi, the 1st August, 2003

S.O. 2249.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Models described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of non-automatic weighing instrument (table top type) belonging to medium accuracy (accuracy class-III) of 'MM' series with brand name "MASS MASTER" (herein referred to as the Model), manufactured by M/s. K. R. Systems, No. 2, Sarang, Opp. Raja Bhagat School, Maniasa, Maninagar (East), Ahmedabad-380 008 and which is assigned the approval mark IND/09/2003/110:

The said Model (see the figure) is strain guage load cell based non-automatic weighing instrument (table top type). The maximum capacity is 20 kg and minimum capacity 40 g. The value of verification scale interval 'e' is 2 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230V, 50Hz alternative power supply.

In addition to sealing the stamping plate, sealing of the machine is done to prevent opening of the Machine for fraudulent practices.



Further, in exercise of the powers conferred by sub-section (12) of the said Section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. and with number of verification scale interval(n) in the range of 100 to 10,000 for 'e' value of 100 mg. to 2g and with the number of verification scale interval (n) in the range 500 to 10,000 for 'e' value of 5 g. or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[F. No. WM-21(61)/2001]

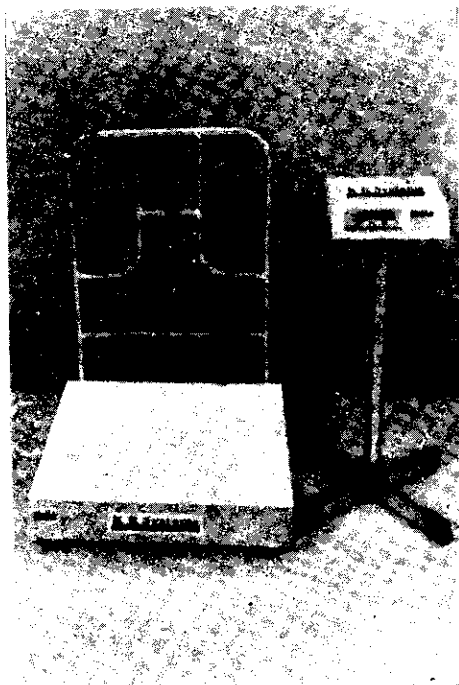
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 1 अगस्त, 2003

का.आ. 2250.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स के.आर. सिस्टम्स, नं. 2, सारंग, राजा भगत स्कूल के सामने, मनियासा, मनीनगर (पूर्व), अहमदाबाद-380008 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग 3) वाले “एम एम” शृंखला के तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “मास मास्टर” है (जिसे इसमें मॉडल कहा गया है) और जिसे अनुमोदन विह्न आई एन डी/09/2003/109 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त मॉडल (आकृति देखें) दाव गेज भार सेल आधारित अस्वचालित प्लेटफार्म प्रकार का तोलन उपकरण इसकी अधिकतम क्षमता 50 कि.ग्रा. और न्यूनतम क्षमता 100 ग्राम है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्शन तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



प्लेट को सील करने के अतिरिक्त कपटपूर्ण व्यवहार के लिए मशीन को खोलने से रोकने के लिए मुहरबंद किया गया है।

और केन्द्रीय सरकार उक्त अधिनियम धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी यथार्थता वर्ग और उसी मेक वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि. ग्राम से अधिक और 300 कि.ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 5 ग्रा. और अधिक के “ई” मान के लिए 500 से 10,000 की रेंज में है तथा जिनका “ई” मान 1×10^3 , 2×10^3 या 5×10^3 है जिसमें के धनात्मक या ऋणात्मक पूर्णांक हैं और शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(61)/2001]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

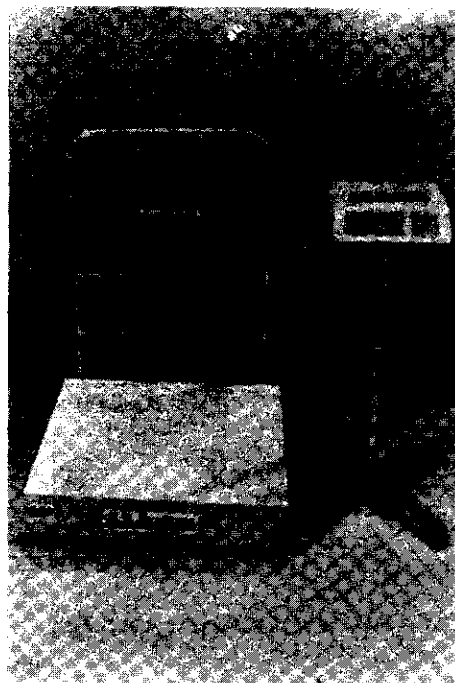
New Delhi, the 1st August, 2003

S.O. 2250.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by Sub-section (7) Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of non-automatic weighing instrument (Platform type) belonging to medium accuracy (accuracy class-III) of 'MM' series with brand name "MASS MASTER" (herein referred to as the Model), manufactured by M/s. K.R. Systems, No. 2, Sarang, Opp. Raja Bhagat School, Maniasa, Maninagar (East), Ahmedabad-380 008 and which is assigned the approval mark IND/09/2003/109:

The said Model (see the figure) is strain gauge load cell based non-automatic weighing instrument (Platform type). The maximum capacity is 50 kg and minimum capacity 100 g. The value of verification scale interval 'e' is 5 g. It has a tare device with a 100 per cent sub-tractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230V, 50Hz alternative power supply.

In addition to sealing the stamping plate, sealing of the machine is done to prevent the opening of the machine for fraudulent practices.



Further, in exercise of the powers conferred by Sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and up to 300kg and with number of verification scale interval(n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

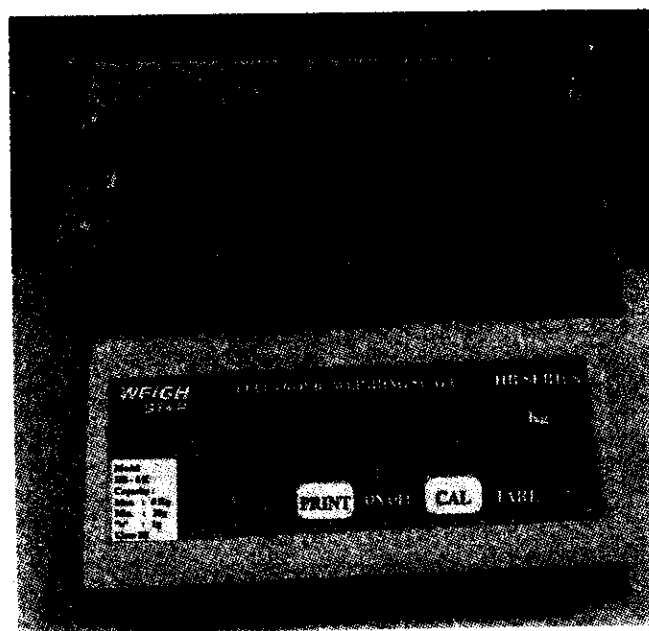
[F. No. WM-21(61)/2001]
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 1 अगस्त, 2003

का.आ. 2251.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः, अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स जराना इंस्ट्रूमेंट कम्पनी, जी-17, एम.आई.डी.सी. इंडस्ट्रीयल एरिया, अमरावति-444605, महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग 3) वाले "एच वी" शृंखला के अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "वेह स्टार" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/132 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त मॉडल दाब गेज प्रकार भार सैल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) है जो 5 कि.ग्रा. की अधिकतम क्षमता और 20 ग्राम की न्यूनतम क्षमता के अंकीय उपदर्शन सहित भार सैल के सिद्धान्त पर कार्य करता है। सत्यापन मापमान (ई) का मान 1 ग्रा. है। प्रदर्श इकाई प्रकाश उत्सर्जक डायोड (एल.ई.डी) प्रकार की है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्यामिंग प्लेट को सील करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबन्द किया जा सकता है।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी यथार्थता वर्ग और उसी मेक वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि. ग्राम तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 100 मि.ग्रा. से 2 ग्रा. के "ई" मान के लिए 100 से 10,000 की रेंज में और सत्यापन मापमान अन्तराल (एन) की संख्या 5 ग्रा. या इससे अधिक के "ई" मान के लिए 500 से 10,000 की रेंज में है तथा जिनके लिए "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ है जिसमें के धनात्मक या ऋणात्मक पूर्णांक हैं और शून्य के समतुल्य है।

[फा. सं. डब्ल्यू एम-21(273)/2001]

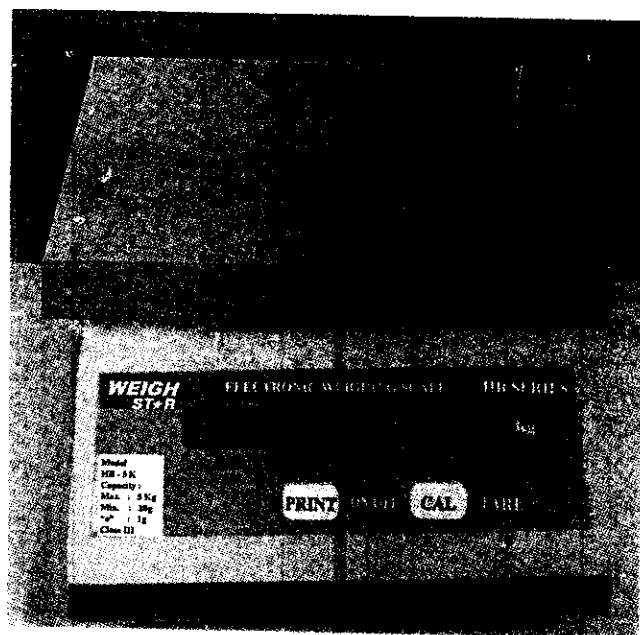
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st August, 2003

S.O. 2251.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions :

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issued and publishes the certificate of approval of the model of, non-automatic weighing instrument (table top type) with "HB" series belonging to medium accuracy (accuracy class-III) and with brand name "WEIGH STAR" (hereinafter referred to as the said model), manufactured by M/s Zarana Instrument Company, G-17, M.I.D.C. Industrial Area, Amravati-444605, Maharashtra and which is assigned the approval mark IND/09/2003/132 :

The said Model is a strain gauge type load cell based non automatic weighing instrument (table top type) working on the principle of load cell with digital indication of maximum capacity 5kg. minimum capacity 20g. The value of verification scale interval 'e' is 1g. The display unit is of light Emitting Diode (LED) type. The instrument operates on 230V, 50Hz alternative power supply.



In addition to sealing the stamping plate, the sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. and with number of verification scale interval(n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g and with the number of verification scale interval (n) in the range 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(273)/2001]

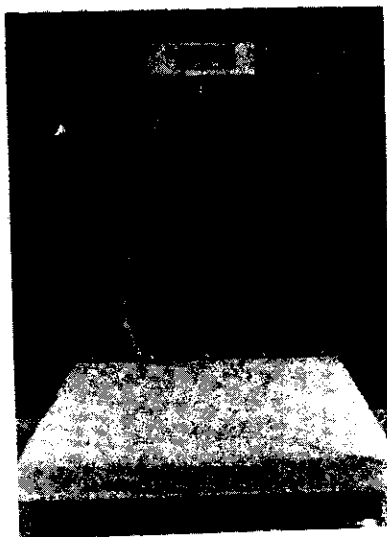
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 1 अगस्त, 2003

का.आ. 2252.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स जराना इस्ट्रूमेंट कम्पनी, जी-17, एम.आई.डी.सी. इंडस्ट्रीयल एरिया, अमरावती-444605, महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग 3) वाले “एच वी” शृंखला के अस्वचलित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “वेह स्टार” है (जिसे इसमें इसके पश्चात् उक्त माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/133 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त मॉडल दाब गेज प्रकार भार सैल आधारित अस्वचलित तोलन उपकरण (टेबल टाप प्रकार) है जो 60 कि.ग्रा. की अधिकतम क्षमता और 200 ग्राम की न्यूनतम क्षमता के अंकीय उपदर्शन सहित भार सैल के सिद्धान्त पर कार्य करता है। सत्यापन मापमान (ई) का मान 10 ग्रा. है। प्रदर्श इकाई प्रकाश उत्सर्जक डायोड (एल.ई.डी) प्रकार की है। उपकरण 230 बोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट को सील करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए मुहरबन्द किया जा सकता है।

और, केन्द्रीय सरकार उक्त धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी यथार्थता वर्ग और उसी मेक वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि. ग्राम से अधिक और 150 कि.ग्रा. तक की है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 5 ग्रा. या इससे अधिक के “ई” मान के लिए 500 से 10,000 की रेंज में है तथा जिनके लिए “ई” मान 1×10^3 , 2×10^3 या 5×10^3 है जिसमें के धनात्मक या ऋणात्मक पूर्णांक है और शून्य के समतुल्य है।

[फा.सं. डब्ल्यू.एम-21(273)/2001]

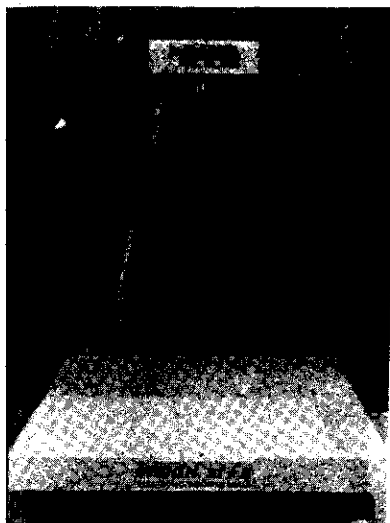
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st August, 2003

S.O. 2252.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of, non-automatic weighing instrument (Platform type) with "HB" series belonging to medium accuracy (accuracy class-III) and brand name "WEIGHT STAR" (hereinafter referred to as the said model), manufactured by M/s. Zarana Instrument Company, G-17, M.I.D.C. Industrial Area, Amravati-444605, Maharashtra and which is assigned the approval mark IND/09/2003/133;

The said Model is a strain gauge type load cell based non-automatic weight instrument (Platform type) working on the principle of load cell with digital indication of maximum capacity 60kg, minimum capacity 200g. The value of verification scale interval "e" is 10g. The display unit is of light Emitting Diode (LED) type. The instrument operates on 230V, 50Hz alternative power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and upto 150kg and with number of verification scale interval(n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(273)/2001]

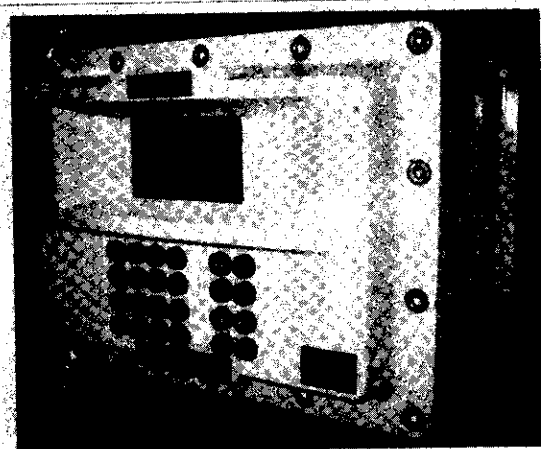
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 1 अगस्त, 2003

का.आ. 2253.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स टेलीटेक इन्स्ट्रुमेन्टेशन प्राइवेट लिमिटेड, 28/48 खरादी ऑफ नगर रोड, पुणे-411014 द्वारा विनिर्मित यथार्थता (यथार्थता वर्ग 0.3) वाले “केट 550 ई” शृंखला के इलेक्ट्रॉनिक बैच नियंत्रक के मॉडल का, जिसके बाट का नाम “अल्मा टीसी” है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी 13/2003/53 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

सील लगाना : अनुसंशोधन बाक्स कवर अनुसंशोधन बाक्स कवर के दो सील लगाने वाले पेंचों की सहायता से बन्द किया जाता है। स्टेनलैस स्टांपिंग प्लेट टर्मिनल बाक्स कवर पर वहां लगी होती है जहां सत्यापन स्टांप लगाई जा सकेगी।



यह मॉडल (आकृति देखिए) इलेक्ट्रॉनिक बैच नियंत्रक है जिसे इलेक्ट्रॉनिक मीटरिंग प्रणाली के माध्यम में प्रवाह को अभिलिखित करने के लिए प्रयुक्त किया जाता है जो प्रवाह मीटर तथा स्टाप वाल्वों से मिलकर बना है। बैच नियंत्रक के लिए अधिकतम निवेश क्रमिक तरंग पल्स बारम्बारता 2000 एच जेड है। समग्र प्रणाली के लिए न्यूनतम और अधिकतम प्रवाह दर प्रयुक्त प्रवाह मीटर की प्रवाह दर के समान है। प्रदर्श 240 × 128 पिक्सेल पृष्ठ प्रकाशित ग्राफीय द्रव क्रिस्टल प्रदर्श से बना है। बैच नियंत्रक का एकल चैनल पद्धति या दोहरी चैनल पद्धति में उपयोग किया जा सकता है।

[फा.सं. डब्ल्यू.एम-21(98)/2000]

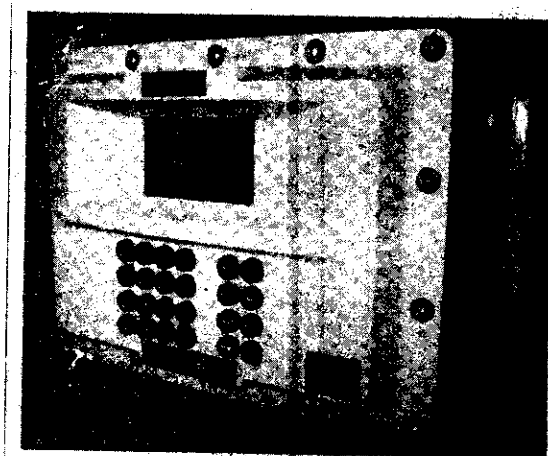
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st August, 2003

S.O. 2253.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model electronics Batch controller of cat 550E series belonging to accuracy class 0.3 (herein referred to as the Model) and with brand name "ALMA TISI" manufactured by M/s. Teletech Instrumentation Private Limited, 28/48, Kharadi, Off Nagar Road, Pune-411014 and which is assigned the approval mark IND/13/2003/53;

Sealing : Calibration box cover is sealed with the help of two sealing screws of the calibration box cover. A stainless stamping plate is provided on the terminal box cover where the verification stamp may be fixed.



The Model (see the figure) is an electronic batch controller used to record flow through electronic metering system consisting of flow meter and stop valves. Maximum input square wave pulse frequency for the Batch Controller is 20 Hz. Minimum and maximum flow rates for the total system correspond to flow rates of flow meter used. The display consists of 240×128 pixel back-lit graphic Liquid crystal display. The Batch controller can be used in single channel mode or double channel mode.

[F. No. WM-21(98)/2000]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 1 अगस्त, 2003

का.आ. 2254.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स लक्ष्मी एन्टरप्राइज, पोपट भोगा स्ट्रीट, सावरकुण्डला-364515 (गुजरात) द्वारा विनिर्मित काउंटर मशीन के मॉडल का, जिसके ब्रांड का नाम "लक्ष्मी" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/82 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त मॉडल (आकृति देखें) एक काउंटर मशीन है। इसकी अधिकतम क्षमता 10 कि.ग्रा. है।



और, केन्द्रीय सरकार उक्त अधिनियम की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 500 ग्राम से 50 कि.ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिसे अनुमोदित मॉडल का विनिर्माण किया गया है।

[फा.सं. डब्ल्यू एम-21(124)/2002]

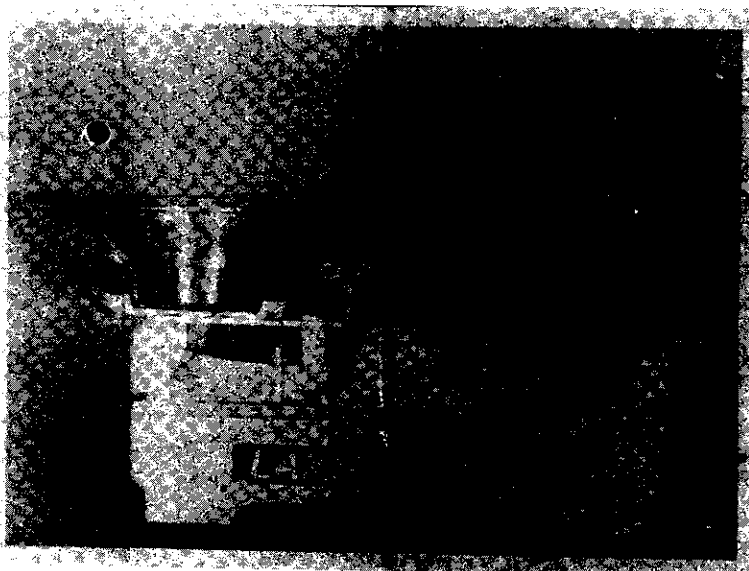
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st August, 2003

S.O. 2254.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Models described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of counter machine (herein referred to as the Model) with brand name 'LAXMI' manufactured by M/s Laxmi Enterprise, Popatbhogha Street, Savarkundla-364515 (Gujarat) and which is assigned the approval mark IND/09/2003/82;

The said Model (see the figure) is "counter machine". The maximum capacity is 10kg.



Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity 500g to 50 kg manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approval Model has been manufactured.

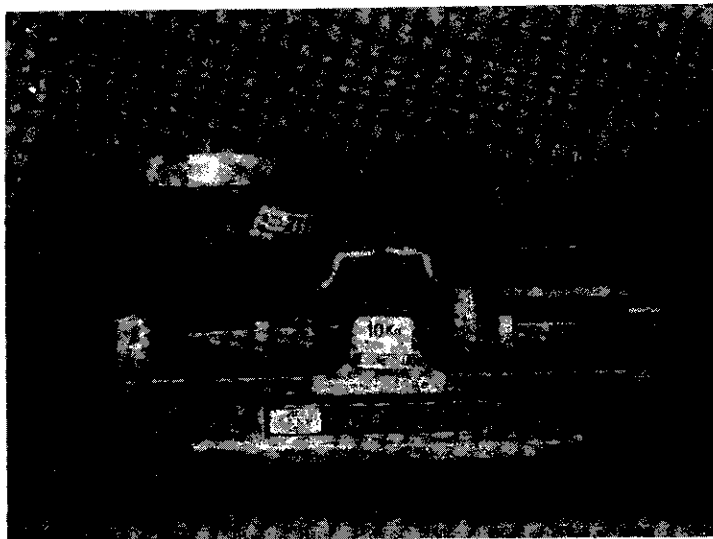
[F. No. WM-21(124)/2002]
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 1 अगस्त, 2003

का.आ. 2255.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स राजेश स्केल इंड. रिवर बैंक, सावरकुण्डला-364515 (गुजरात) द्वारा विनिर्मित काउंटर मशीन के मॉडल का, जिसके ब्रांड का नाम "राजेश स्केल इंड." है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/60 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक काउंटर मशीन है। इसकी अधिकतम क्षमता 10 कि.ग्रा. है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी क्षमता 500 ग्राम से 50 कि.ग्रा. के रेंज में है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है।

[फा.सं. डब्ल्यू एम-21(321)/2002]

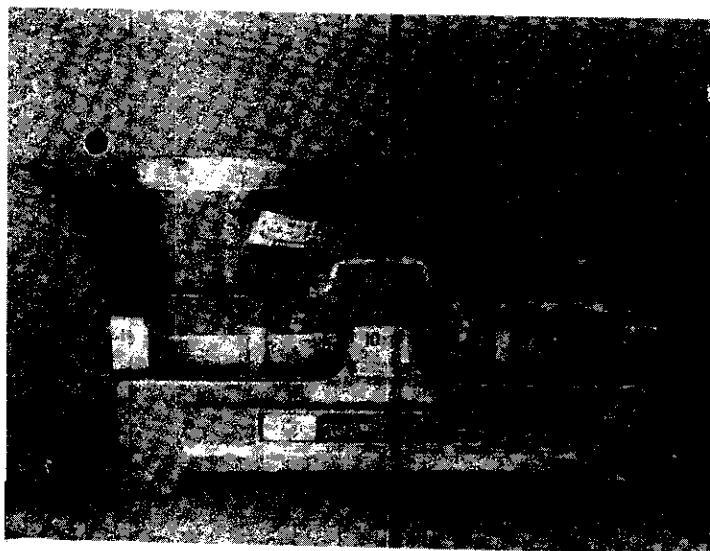
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st August, 2003

S.O. 2255.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Models described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of Approval of the Model of counter machine with brand name "Rajesh Scale Ind." (herein referred to as the said Model) manufactured by M/s. Rajesh scale Ind. River Bank, Savarkundla-364515 (Gujarat) and which is assigned the approval mark IND/09/2003/60;

The said Model (see the figure given below) is a counter machine with maximum capacity of 10kg.



Further, in exercise of the powers conferred by sub-section (12) of the said Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of the same series with capacity in the range of 500g to 50 kg manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(321)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 1 अगस्त, 2003

का.आ. 2256.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स जे. के. स्केल, शिवाजी नगर, सावरकुण्डला-364515 (गुजरात) द्वारा विनिर्मित यांत्रिक काउंटर मशीन के मॉडल का, जिसके ब्रांड का नाम "जे. के. स्केल" है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी 09/2003/72 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त मॉडल (नीचे दी आकृति देखें) एक यांत्रिक काउंटर मशीन है। इसकी अधिकतम क्षमता 10 कि.ग्रा. है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाली ऐसी यांत्रिक काउंटर मशीन भी होंगी जिनकी क्षमता 500 ग्राम से 50 कि.ग्रा. की रेंज में है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित उक्त मॉडल का विनिर्माण किया गया है।

[फा.सं. डब्ल्यू एम-21(15)/2002]

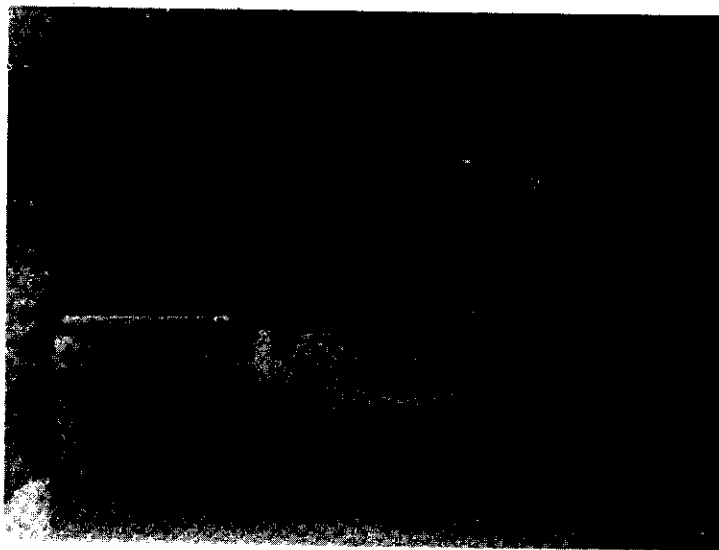
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st August, 2003

S.O. 2256.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Models described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over period of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of mechanical counter machine (herein referred to as the said model) with brand name "J.K. Scale" manufactured by M/s. J.K. Scale, Shivaji Nagar, Savarkundla-364515 (Gujarat) and which is assigned the approval mark IND/09/2003/72.

The said model (see the figure given below) is a mechanical counter machine with maximum capacity of 10 kg.



Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the mechanical counter machines of similar make, accuracy and performance with maximum capacity in the range of 500 g to 50 kg manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(15)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 1 अगस्त, 2003

का.आ. 2257.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः, अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स शेखर ब्रदर्स, प्लॉट सं. 58, सेक्टर-6, फरीदाबाद (हरियाणा) द्वारा विनिर्मित इलेक्ट्रॉनिक अंकक सूचक सहित टैक्सीमीटर के माडल का, जिसके ब्रांड का नाम “मुन्की” है (जिसे इसमें इसके पश्चात् उक्त माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/131 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

सीलिंग : मुद्रांकन प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए उनके साथ-साथ छेड़छाड़ को रोकने के लिए पल्स जनरेटर, केबल संयोजन बिन्दुओं तथा कपटपूर्ण मुख्य किराया मीटर पर मुद्रांकन किया जाएगा।



उक्त माडल एक टैक्सी मीटर है जिसमें दूरी और समय मापक युक्ति सहित अंकक सूचक समाविष्ट है। यह निरन्तर योग करता है तथा यात्रा के किसी क्षण में यात्री द्वारा संदेय प्रभार उपदर्शित करता है। कतिपय गति से ऊपर तय की गई दूरी और लगे समय की कतिपय गति से नीचे के अनुसार “संदेय किराए मीटर का कार्य है मीटर का पठन सात खण्डीय प्रकाश उत्सर्जक डायोड द्वारा उपदर्शित किया जाता है और विद्युत प्रदाय डी सी 12 वोल्ट है।”

[फा. सं. डब्ल्यू एम-21(284)/2001]

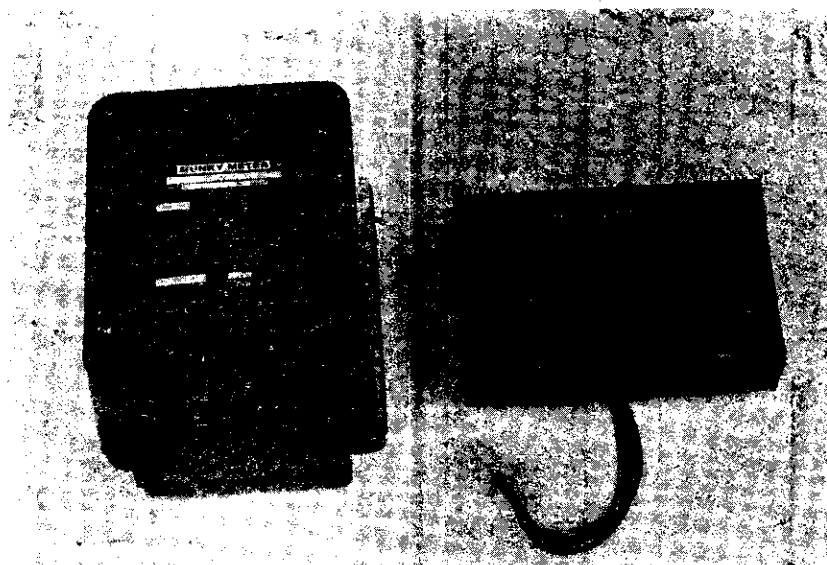
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st August, 2003

S.O. 2257.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Models described in the said report (figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over period of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by the sub-sections (7) and (8) of section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the Taxi meter with digital display and with brand name "MUNKEY" (hereinafter referred to as the model), manufactured by M/s. Shekhar Brothers, Plot No. 58, Sector 6, Faridabad, Haryana and which is assigned the approval mark IND/09/2002/131:

Sealing : In addition to sealing the stamping plate sealing may also be done on the pulse generator, cable connector and the main fare meter to prevent their opening for fraudulent practices.



The said model is a taxi meter with digital indication incorporated with a distance and time measuring the device. It continuously indicates the fare at any moment of the journey, charges payable by passenger. The fare to pay is a function of the distance travelled above a certain speed and of the length of the time occupied below that speed. The reading of the meter is indicated by seven segment light emitting diode (LED) and power supply is DC 12 V.

[F. No. WM-21(284)/2001]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

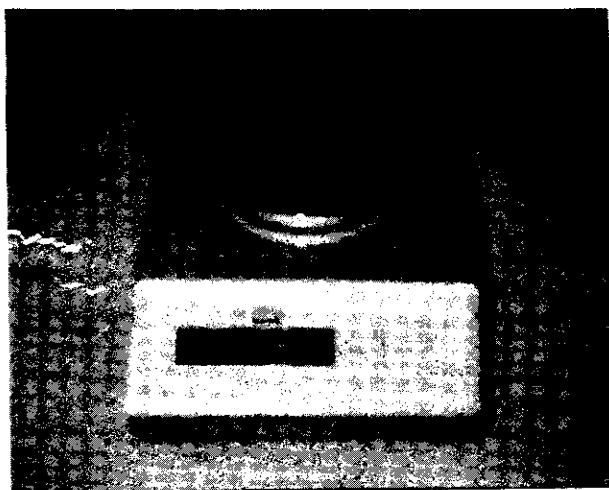
नई दिल्ली, 1 अगस्त, 2003

का.आ. 2258.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स आप्ट इलेक्ट्रॉनिक प्राइवेट लि., 380/2 सोलापुर सारखेज राज मार्ग, ईश्वर पेट्रोल पम्प के पीछे, सोला चोकडी, न्यू हाई कोर्ट डाकघर, अहमदाबाद, गुजरात-380060 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग 2) वाले "जे." श्रृंखला के स्वतःसूचक, अस्वचालित अंकक सूचन सहित तोलन उपकरण (टेबल प्रकार) के मॉडल का, जिसके ब्रांड का नाम "ऑपटार्ट" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/174 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) विकृति मापी भार सेल आधारित प्रकार का तोलन उपकरण है। इसकी अधिकतम क्षमता 300 ग्रा. और न्यूनतम क्षमता 200 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 10 मि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

सील बन्द करना : स्टाम्प लगाने वाली प्लेट पर सील लगाने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए इसके खोलने को रोकने के लिए सीलबन्द किया जाएगा।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि.ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित उक्त मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 1 मि.ग्रा. से 50 मि.ग्रा. के "ई" मान के लिए 100 से 50,000 की रेंज में है और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 100 मि.ग्रा. या अधिक के "ई" मान के लिए 5000 से 50,000 की रेंज में है तथा जिनका "ई" मान 1×10^3 , 2×10^3 या 5×10^3 है जिसमें के धनात्मक या ऋणात्मक प्रणोंक या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू एम-21(286)/2001]
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

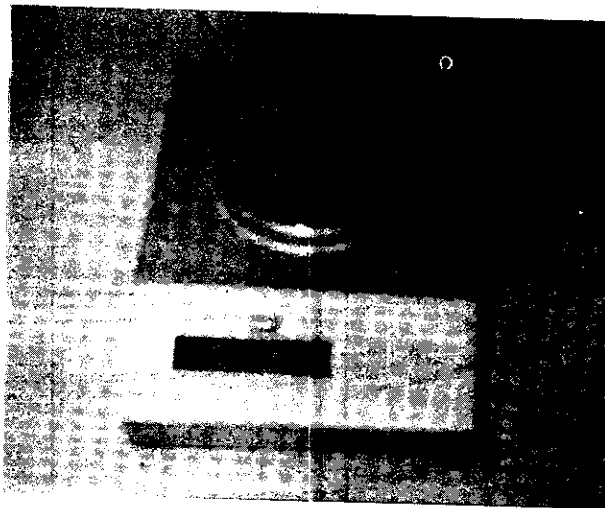
New Delhi, the 1st August, 2003

S.O. 2258.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating, non-automatic, (Table type) weighing instrument with digital indication of "J" series of High accuracy (Accuracy class II) and with brand name "OPTART" (herein referred to as the Model) manufactured by M/s. Optart Electronics Private Limited, 380/2 Sola Sarkhej Highway, Behind Iswar Petrol Pump, Sola Chokadi, New High Court, P.O. Ahmedabad, Gujarat-380060 and which is assigned the approval mark IND/09/2003/174:

The said model (see the figure given below) is a strain gauge load cell based type weighing instrument with a maximum capacity of 300g and minimum capacity of 200g. The verification scale interval (e) is 10 mg. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode display indicates the weighing result. The instrument operates on 230 volts and 50 Hertz alternate current power supply:

Sealing : In addition to sealing the stamping plate, sealing is done to prevent the opening machine for fraudulent practices.



Further, in exercise of the powers conferred by sub-section (12) of said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity upto 50 kg and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1 mg to 50 mg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg or more and with 'c' value 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

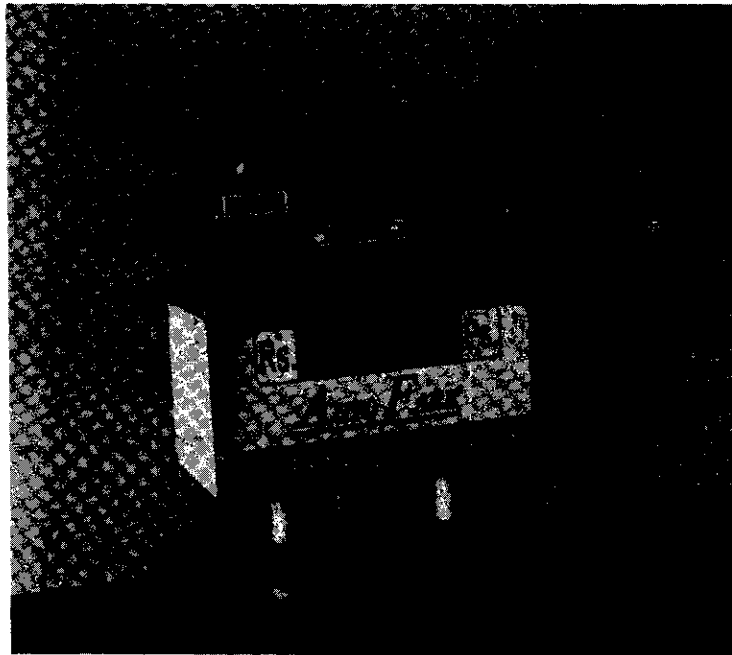
[F. No. WM-21(286)/2001]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 1 अगस्त, 2003

का.आ. 2259.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सूर्या मीटर मैन्युफैक्चरिंग कंपनी, 143/15/2, लगढ माला सिन्हागढ रोड, पुणे, महाराष्ट्र द्वारा विनिर्मित "सूर्या" शृंखला के अंकक प्रदर्श सहित टैक्सी मीटर के मॉडल का, जिसके ब्रांड का नाम "सूर्या" है (जिसे इसमें इसक पश्चात् माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/01/304 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।



यह मॉडल अंकक सूचन सहित टैक्सी मीटर है जिसमें दूरी और समय मापन युक्ति लगी हुई है। यह यात्री द्वारा संदेय प्रभार का निरन्तर योग करता रहता है और यात्रा के किसी क्षण पर किराया उपदर्शित करता है। संदेय किराया, की गई यात्रा की दूरी और किसी निश्चित गति से नीचे लगे समय का गुणज है।

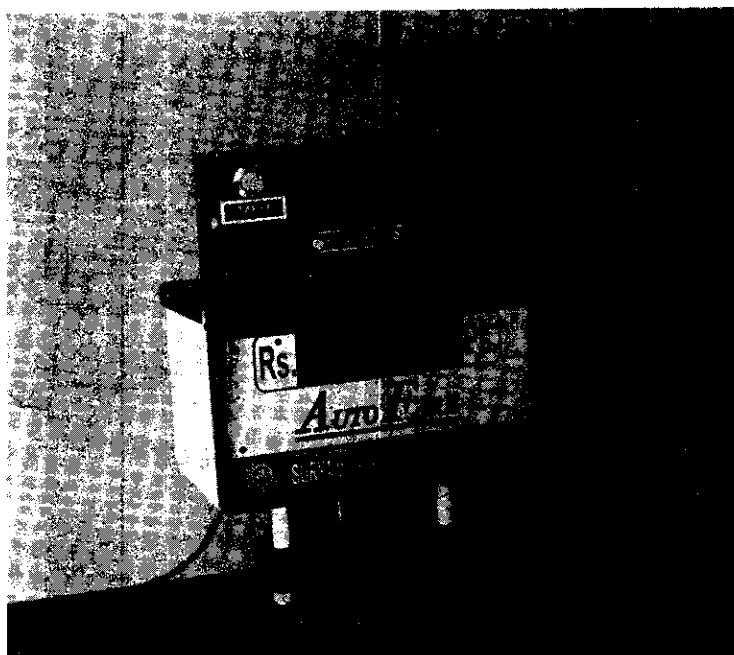
[फा. सं. डब्ल्यू एम-21(17)/2001]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st August, 2003

S.O. 2259.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the Taxi meter with digital display of "Surya" series and with brand name "Surya" (hereinafter referred to as model), manufactured by M/s. Surya Meter Manufacturing Company, 143/15/2, Lagad Mala, Sinhagad Road, Pune, Maharashtra and which is assigned the approval mark IND/09/01/304:



The said model is a Taxi meter with digital indication incorporated with a distance and time measuring device. It totalize continuously indicates the fare at any moment of the journey, charges payable by passenger. The fare to pay is a function of the distance travelled and length of time occupied below a certain speed.

[F. No. WM-21(17)/2001]
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 1 अगस्त, 2003

का.आ. 2260.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सूर्या मीटर मैन्युफैक्चरिंग कंपनी, 143/15/2, लगद माला सिन्हागढ़ रोड, पुणे, महाराष्ट्र द्वारा विनिर्मित "सूर्या" शृंखला टैक्सी मीटर (यांत्रिक) के मॉडल का, जिसके ब्रांड का नाम "सूर्या" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एने डी/09/01/305 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।



यह मॉडल (आकृति देखें) अंकक सूचन सहित यांत्रिक टैक्सी मीटर है जिसमें दूरी और समय मापन युक्ति लगी हुई है। यह यात्री द्वारा संदेय प्रभार का निरन्तर योग करता रहता है और यात्रा के किसी क्षण पर किराया उपदर्शित करता है। संदेय किराया, की गई यात्रा की दूरी और किसी निश्चित गति से नीचे लगे समय का गुणज है।

[फा. सं. डब्ल्यू एम-21(17)/2001]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st August, 2003

S.O. 2260.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the Taxi meter (mechanical) of "Surya" series with brand name "Surya" (hereinafter referred to as model), manufactured by M/s. Surya Meter Manufacturing Company, 143/15/2, Lagad Mala, Sinhagad Road, Pune, Maharashtra and which is assigned the approval mark IND/09/01/305;



The model (the figure given) is an mechanical Taxi meter with digital indication incorporated with a distance and time measuring the device. It totalize continuously indicates the fare at any moment of the journey, charges payable by passenger. The fare to pay is a function of the distance travelled and length of time occupied below a certain speed.

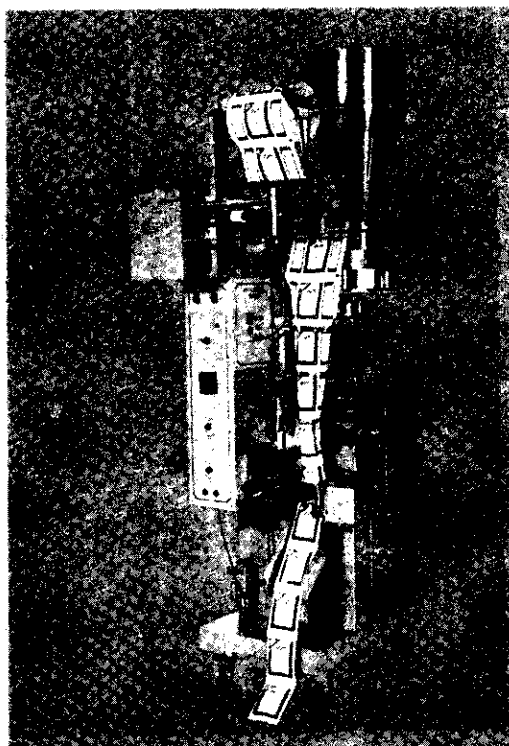
[F. No. WM-21(17)/2001]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 1 अगस्त, 2003

का.आ. 2261.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स पीयल पैकेजिंग, के-6-ए सिडको इण्डस्ट्रियल इस्टेट, कोयम्बाटोर-641021 द्वारा विनिर्मित यथार्थता वर्ग (यथार्थता वर्ग) वाले "पीयल-पीपी-सीएफ" श्रृंखला के स्वतः भरण मशीन (कणपूरक), के माडल का, जिसके ब्रांड का नाम "पीयल-पीपी-सीएफ" है (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/92 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।



उक्त माडल (आकृति देखें) एक स्वतः भरण मशीन (कणपूरक) है। यह स्थिर शीर्ष के अधीन गुरुत्वीयभरण के सिद्धान्त पर कार्य करती है। मशीन 2 ग्रा. से 1000 ग्रा. के बीच किसी रेंज में परिदत्त करने के लिए समायोजित की जा सकती है। यह 30 पाउंच प्रति मिनट (अधिकतम) भर सकती है। यह मशीन चाय, मसाले, चीनी, कपिकाओं, रसायन और भेषज बीजों और कृषि उत्पादों आदि जैसे सुप्रवाही उत्पादों को भरने के लिए डिजाइन की गई है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

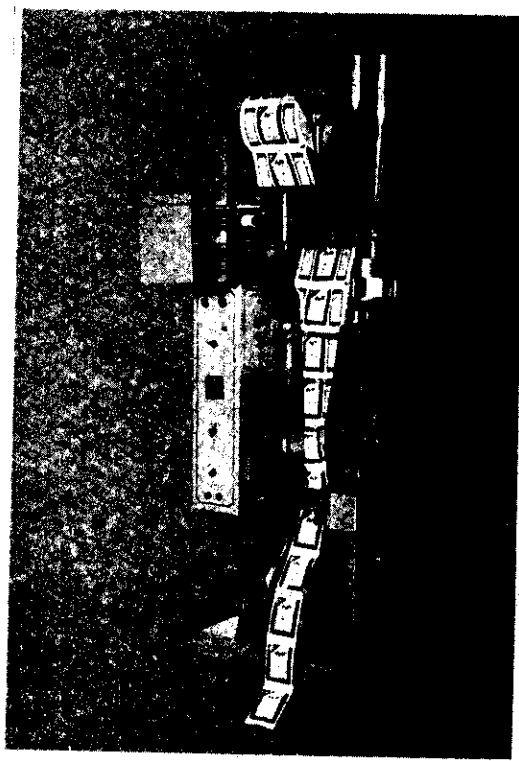
[फा. सं. डब्ल्यू एम-21(318)/2001]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st August, 2003

S.O. 2261.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the automatic filling machine (cup filler) of 'Pearl-PP-CF' series and with brand name "PEARL-PP-CF" (herein referred to as the Model) manufactured by M/s. Pearl Packaging, K-6-A, SIDCO Industrial Estate, Coimbatore-641021 and which is assigned the approval mark IND/09/2003/92:



The said Model (see the figure) is an automatic filling machine (cup filler). It works on the principle of gravity feed under constant head. The machine can be adjusted to deliver any range between 2 g to 1000 g. It can fill 30 pouches per minute (maximum). The machine is designed to fill free flowing products such as tea, spices, sugar, rice, salt, granules, chemical and Pharmaceutical seeds and agricultural products. It operates on 230 Volts, 50 Hertz alternate current power supply.

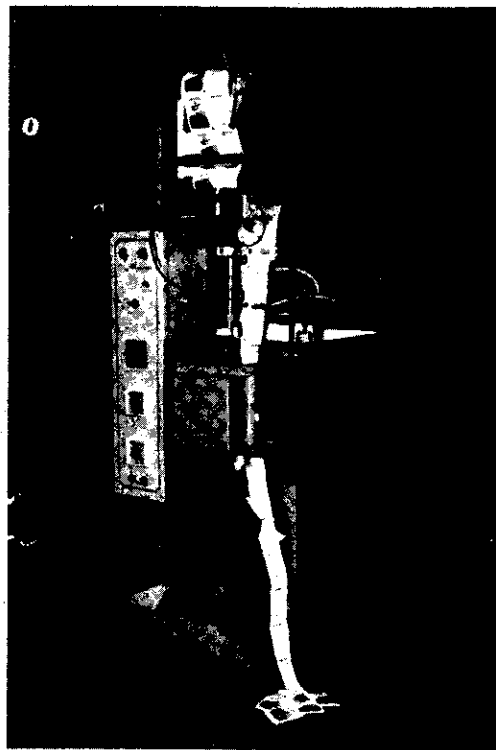
[F. No. WM-21(318)/2001]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 1 अगस्त, 2003

का.आ. 2262.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स पीयर्ल पैकेजिंग, के-6-ए सिडको इण्डस्ट्रियल इस्टेट, कोयम्बाटोर-641021 द्वारा विनिर्मित “पीयर्ल-पीपी-पीएफ” श्रृंखला के स्वतःभरण मशीन (पिस्टनपूरक/डोजिंग पम्प) के मॉडल का, जिसके ब्रांड का नाम “पीयर्ल-पीपी-पीएफ” है (जिसे इसमें मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/93 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।



उक्त मॉडल (आकृति देखें) एक स्वतःभरण मशीन (पिस्टनपूरक/डोजिंग पम्प) है। यह स्थिर शीर्ष के अधीन गुरुत्वीयभरण के सिद्धान्त पर कार्य करती है। मशीन 2 ग्रा. से 1000 ग्रा. के बीच किसी रेंज में परिदत्त करने के लिए समायोजित की जा सकती है। यह 25 से 35 पाउच प्रति मिनट (अधिकतम) भर सकती है। यह मशीन श्यान्य द्रव उत्पादों जैसे वनस्पति तेल, घी, वनस्पति, कृत्रिम मक्खन और सॉस जैसे सुप्रवाही उत्पादों को भरने के लिए डिजाइन की गई है।

उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

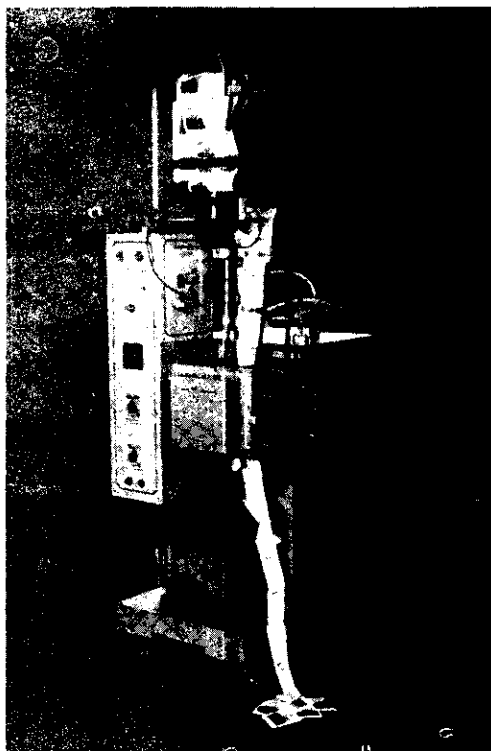
[फा. सं. डब्ल्यू एम-21(318)/2001]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st August, 2003

S.O. 2262.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render its accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the automatic filling machine (Piston filler/dosing pump) of "Pearl-PP-PF" series and with brand name "PEARL-PP-PF" (herein referred to as the Model) manufactured by M/s. Pearl Packaging, K-6-A SIDCO Industrial Estate, Coimbatore-641 021 and which is assigned the approval mark IND/09/2003/03



The said Model (see the figure) is an automatic filling machine (Piston filler/dosing pump). It works on the principle of gravity feed under constant head. The machine can be adjusted to deliver any range between 2 g. to 1000 g. It can fill 25 to 35 pouches per minute (maximum). The machine is designed to fill free flowing products such as viscous liquids products such as vegetable oils, ghee, vanaspathi, margarine and sauce. It operates on 230 volt, 50 Hertz alternate current power supply.

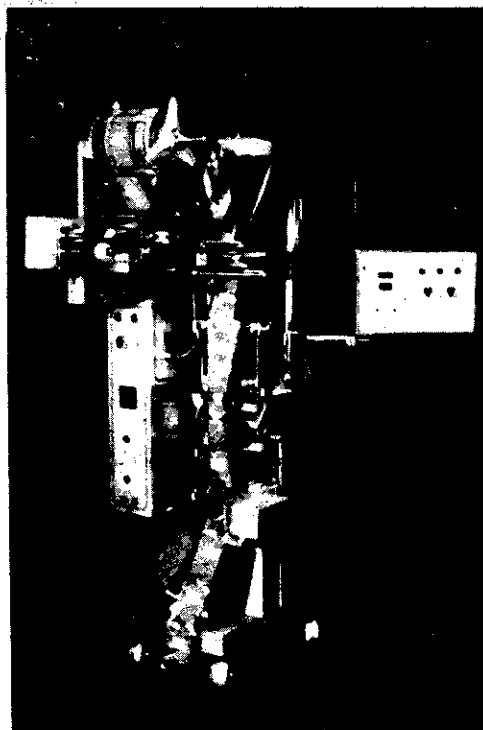
[F. No. WM-21(318)/2001]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 1 अगस्त, 2003

का.आ. 2263.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स पीयर्ल पैकेजिंग, के-6-ए सिडको इण्डस्ट्रियल इस्टेट, कोयम्बतूर-641021 द्वारा विनिर्मित यथार्थता वर्ग (यथार्थता वर्ग.....) वाले "पीयर्ल पीपीएजी" श्रृंखला के स्वतःभरण मशीन (ऑगरेटर) के मॉडल का, जिसके ब्रांड का नाम "पीयर्ल पीपीएजी" है (जिसे इसमें मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/94 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।



उक्त मॉडल (आकृति देखें) एक स्वतःभरण मशीन (ऑगरेटर) है। यह स्थिर शीर्ष के अधीन गुरुत्वीयभरण के सिद्धान्त पर कार्य करती है। मशीन 2 ग्रा. से 1000 ग्रा. के बीच किसी रेंज में परिदत्त करने के लिए समायोजित की जा सकती है। यह 30 पाउंड प्रति मिनट (अधिकतम) भर सकती है। यह मशीन पिसे हुए मसालों, दुग्ध पाउडर, कॉफी पाउडर, दन्तमंजन पाउडर, गेहूँ का आटा, कणिकाओं और भेषज पाउडर और रसायनों जैसे मुक्त प्रवाहहीन उत्पादों को भरने के लिए डिजाइन की गई है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

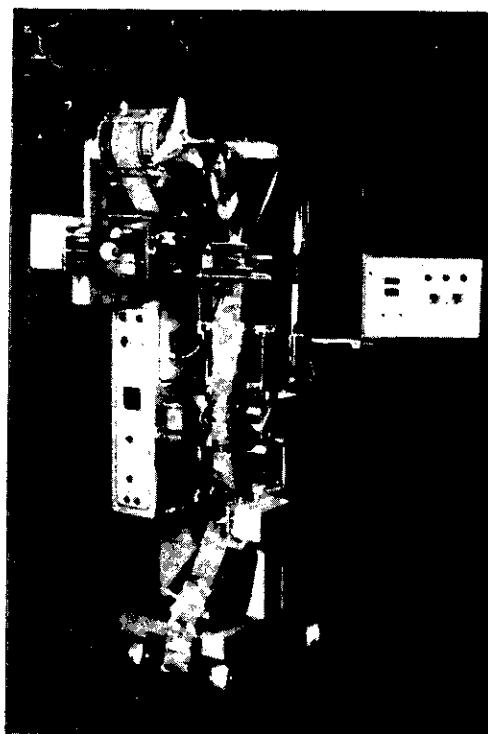
[फा. सं. डब्ल्यू एम-21(318)/2001]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st August, 2003

S.O. 2263.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the automatic filling machine (Auger filler) of 'PEARL-PP-AG' series and with brand name "PEARL-PP-AG" (herein referred to as the Model) manufactured by M/s. Pearl Packaging, K-6-A SIDCO Industrial Estate, Coimbatore-641 021 which is assigned the approval mark IND/09/03/94 :



The said Model (see the figure) is an automatic filling machine (Auger filler). It works on the principle of gravity feed under constant head. The machine can be adjusted to deliver any range between 2 g. to 1000 g. It can fill 30 pouches per minute (maximum). The machine is designed to fill non-free flowing products such as ground spices, milk powder, coffee powder, tooth powder, wheat flour, granules, pharmaceutical powder and chemicals. It operates on 230 Volt, 50 Hertz alternate current power supply.

[F. No. WM-21(318)/2001]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 1 अगस्त, 2003

का.आ. 2264.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एमको इक्युपमेंट, 1-बी/6ए, सिदाना मार्केट, डाकघर के सामने, एन.आई.टी., फरीदाबाद द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग 3) वाले 'एईटी' शृंखला के स्वतः सूचक, अस्वचालित, अंकक सूचन सहित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम 'एमको' है (जिसे इसमें माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/107 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

उक्त मॉडल (दी गई आकृति देखें) एक विकृतिमापी आधारित प्रकार का तोलन उपकरण है। इसकी अधिकतम क्षमता 10 कि. ग्रा. और न्यूनतम क्षमता 100 ग्राम है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

सीलबंद करना : स्टाम्प लगाने वाली प्लेट पर सील लगाने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद किया जाएगा।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी यथार्थता वर्ग और उसी मेक वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि. ग्राम तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 100 मि. ग्रा. से 2 ग्राम तक के "ई" मान के लिए 100 से 10,000 की रेंज में है तथा जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 5 ग्रा. या अधिक के "ई" मान के लिए 500 से 10,000 की रेंज में है तथा जिनके लिए "ई" मान 1×10^3 , 2×10^3 या 5×10^3 है जिसमें के धनात्मक या ऋणात्मक पूर्णांक हैं या शून्य के समतुल्य है।

[फा.सं. डब्ल्यू एम-21(161)/2000]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

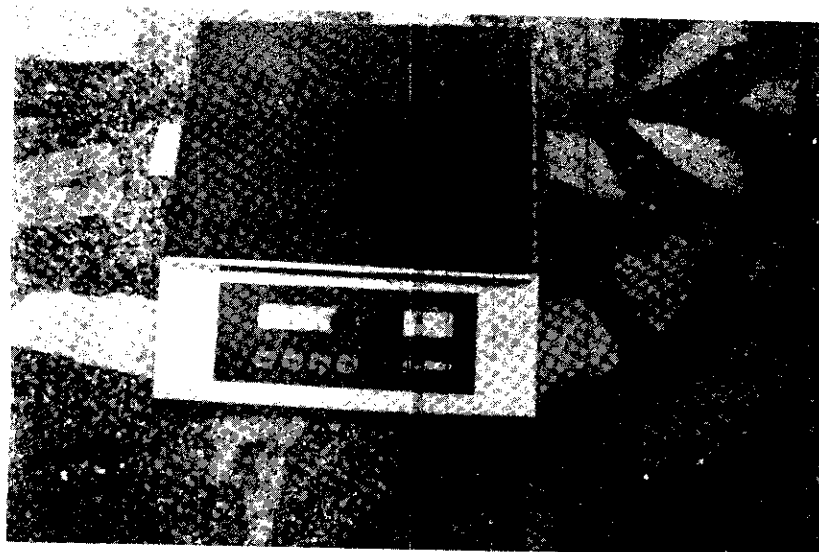
New Delhi, the 1st August, 2003

S.O. 2264.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) Section 36 of the said Act, the Central Government hereby issued and publishes the certificate of approval of the Model of self-indicating, non-automatic (Table top type) weighing instrument with digital indication of "AET" series of medium accuracy (Accuracy class III) and with brand name "AMCO" (herein referred to as the Model), manufactured by M/s. AMCO Equipments, 1-B/6A, Sidana Market, Opp. Post Office, N.I.T., Faridabad-1 and which is assigned the approval mark IND/09/2003/107;

The said Model (see the figure given) is a strain gauge typed based weighing instrument with a maximum capacity of 10 kg. and minimum capacity of 100 g. The verification scale interval (e) is 5 g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode display indicates the weighing result. The instrument operates on 230 volts and 50 Hertz alternate current power supply;

Sealing : In addition to sealing the stamping plate sealing is also done to prevent the opening of the machine for fraudulent practices.



Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity upto 50 kg. and with number of verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg. to 2g and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g. or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the approved model has been manufactured.

[F. No. WM-21(161)/2000]
P. A. KRISHNAMOORTHY, Director of Legal Metrology

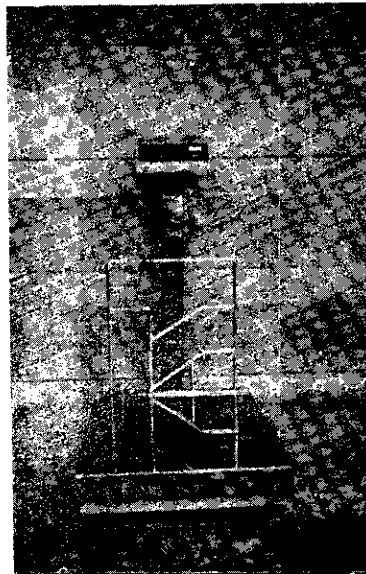
नई दिल्ली, 1 अगस्त, 2003

का.आ. 2265.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः, अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एमको इक्वुपमेंट, 1-बी/6ए, सिदाना मार्केट, डाकघर के सामने, एन.आई.टी., फरीदाबाद-1 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग 3) वाले 'ईफ' श्रृंखला के स्वतः सूचक, अस्वचालित, अंकक सूचन सहित तोलन उपकरण (प्लेट फार्म टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "एमको" है (जिसे इसमें माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/108 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

उक्त मॉडल (दी गई आकृति देखें) एक विकृतिमापी आधारित प्रकार का तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

सीलबंद करना : स्ट्याम्प लगाने वाली प्लेट को सील लगाने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबन्द किया जाएगा।



और, केन्द्रीय सरकार उक्त अधिनियम धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी यथार्थता वर्ग और उसी मेक वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 300 कि. ग्राम तक है जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 5 ग्रा. से या अधिक के "ई" मान के लिए 500 से 10,000 की रेंज में है तथा जिनके लिए "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ है जिसमें के धनात्मक या ऋणात्मक पूर्णांक है या शून्य के समतुल्य है।

[फा.सं. डब्ल्यू एम-21(161)/2000]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

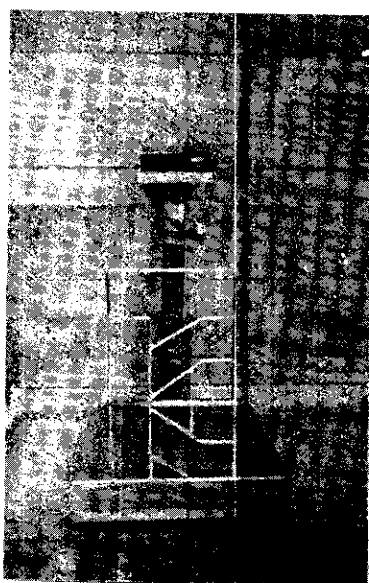
New Delhi, the 1st August, 2003

S.O. 2265.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over period of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of self-indicating, non-automatic, (Platform) weighing instrument with digital indication of "AEF" series of medium accuracy (Accuracy class III) and with brand name "AMCO" (herein referred to as the Model), manufactured by M/s. AMCO Equipments, 1-B/6A, Sidana Market, Opp. Post Office, N.I.T. Faridabad-1 and which is assigned the approval mark IND/09/2003/108 ;

The said Model (see the figure given) is strain guage typed based weighing instrument with a maximum capacity of 30 kg. and minimum capacity of 100 g. The verification scale interval (e) is 5 g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode display indicates the weighig result. The instrument operates on 230 volts and 50 Hertz alternate current power supply.

Sealing : In addition to sealing the stamping plate sealing is also done to prevent the opening of the machine for fraudulent practices.



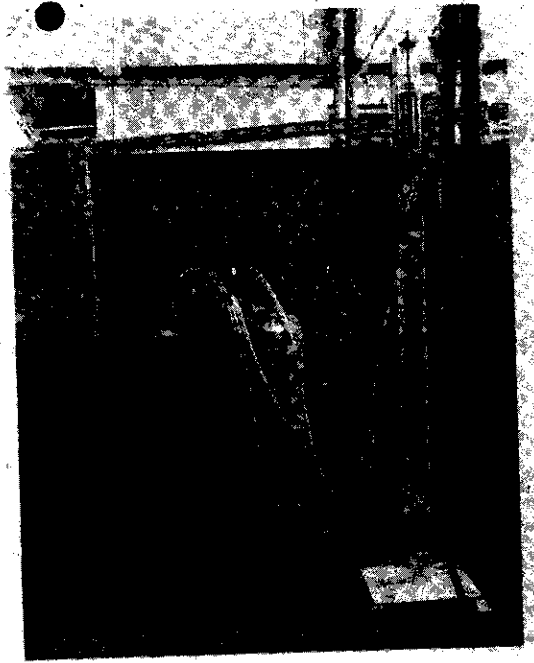
Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity upto 300 kg. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g. or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[F. No. WM-21(161)/2000]
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 1 अगस्त, 2003

का.आ. 2266.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स लारसेन एंड टूब्रो लिमिटेड, एल एण्ड टी हाउस, बैलार्ड एस्टेट, पो. आ. बाक्स 278, मुम्बई-400001 द्वारा विनिर्मित 2 टी आयल वितरक मशीन के मॉडल का, जिसके ब्रांड का नाम “क्लासिक” है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/168 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।



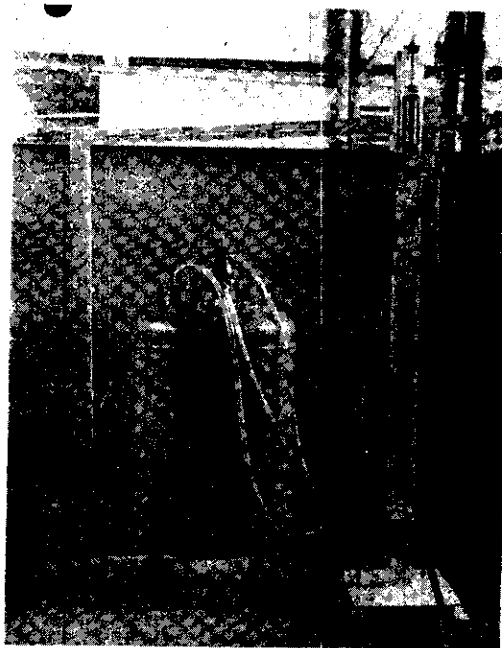
उक्त मॉडल एक पोस्ट मिक्स 2 टी आयल वितरक मशीन है जिसे होज में स्नेहक के परिदान के लिए पेट्रोल पम्प के साथ जोड़ा जाता है। इसकी 10 मि. ली. श्रेणीकरण के साथ अधिकतम क्षमता 300 मि. ली. है। इसे चूषण तथा विसर्जन के लिए दिए गए पृथक वाल्व के साथ वायु दाब पर हाथ से चलाया जाता है।

[फा.सं. डब्ल्यू एम-21(138)/2002]
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st August, 2003

S.O. 2266.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Models described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over period of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of Post mix 2T oil dispensing machine with brand name "CLASSIC" (herein referred to as the said model), manufactured by M/s. Larsen & Toubro Limited, L&T House, Ballard Estate, P. O. Box 278, Mumbai-400001 and which is assigned the approval mark IND/09/03/168.



The said model is a Post mix 2T oil dispensing machine to be attached with a petrol pump for delivery of lubricant into the hose delivering petrol. Its maximum capacity is 300 ml with 10 ml gradation. It is operated manually on air pressure with a separate valve provided for suction and discharge.

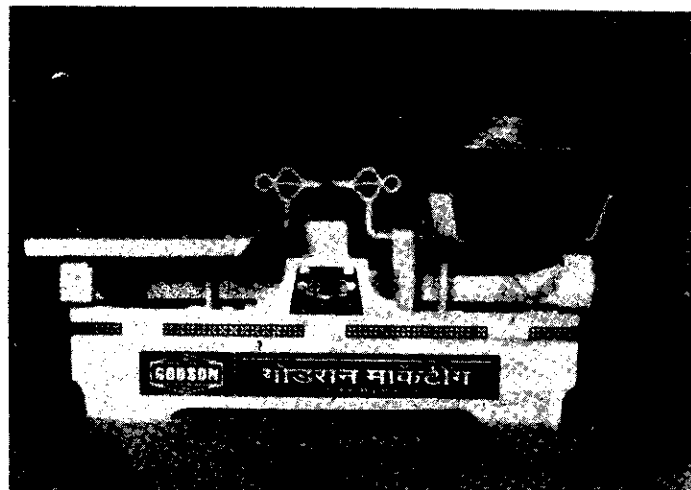
[F. No. WM-21(138)/2002]
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 1 अगस्त, 2003

का.आ. 2267.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स गोडसन मार्किटिंग, पोस्ट बाक्स सं.-6, सावरकुण्डला-364515 (गुजरात) द्वारा विनिर्मित काउंटर मशीन के मॉडल का, जिसके ब्रांड का नाम "गोडसन मार्किटिंग" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/33 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त मॉडल (आकृति देखें) काउंटर मशीन है। इसकी अधिकतम क्षमता 10 कि. ग्रा. है।



और, केन्द्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 500 ग्राम से 50 कि. ग्रा. की रेंज में है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है।

[फा.सं. डब्ल्यू एम-21(270)/2002]

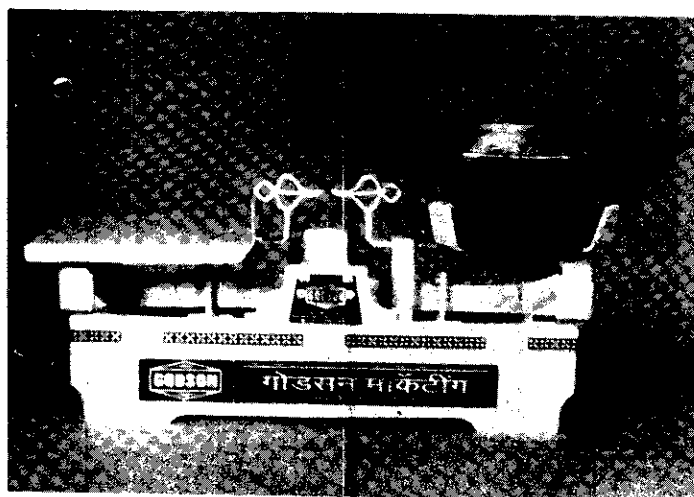
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st August, 2003

S.O. 2267.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of Counter Machine with brand name GODSON MARKETING, (herein referred to as the Model) Manufactured by M/s. Godson Marketing, Post Box No. 6, Savarkundla-364515 (Gujarat) and which is assigned the approval mark IND/09/2003/33:

The said Model (the figure) is a Counter Machine. The maximum capacity is 10 kg.



Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with capacity ranging from 500 g to 50 kg, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[F. No. WM-21(270)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

श्रम मंत्रालय

नई दिल्ली, 11 जुलाई, 2003

का. आ. 2268.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टिस्को के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-I, धनबाद के पंचाट (संदर्भ संख्या 152/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-7-2003 को प्राप्त हुआ था।

[सं. एल-20012/154/2001-आई.आर.(सी-I)]

एस. एस. गुप्ता, अवर सचिव

MINISTRY OF LABOUR

New Delhi, the 11th July, 2003

S. O. 2268.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 152/2001) of the Central Government Industrial Tribunal I, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of TISCO and their workman, which was received by the Central Government on 9-7-2003.

[No. L-20012/154/2001-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD.

In the matter of a reference U/S 10(1)(d)(2A) of Industrial Disputes Act.

Reference No. 152 of 2001

Parties : Employers in relation to the management of Jamadoba Colliery of M/s. TISCO.

AND

Their Workmen

Present :
SHRI S. H. KAZMI,
Presiding Officer.

Appearances :

For the Employers : Shri D. K. Verma,
Advocate.
For the Workman : Shri Kutubuddin No. II,
Concerned workman.
State : Jharkhand **Industry :** Coal

Dated, the 24th June, 2003

AWARD

By Order No. L-20012/154/2001-IR(C-1) dated 10-7-2001 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by Clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Jamadoba Colliery of M/S. TISCO Ltd. Jamadoba in dismissing Sri Kutubuddin-2 w.e.f. 19-1-2000 is justified ? If not, to what relief is the workman entitled ?”

2. By filing one memorandum of settlement jointly submission has been made that in the present case which relates to the dismissal of the concerned workman from his service the parties to the dispute have already compromised or settled the matter or the dispute outside the Court in terms and conditions as contained in the memorandum of settlement. The submission has been made for final disposal of the present reference in terms of the said settlement. Kutubuddin No. II, the concerned workmen, confirms the said fact or development and submits that pursuant to the settlement now there is no any dispute left for being adjudicated.

Having considered the aforesaid settlement or development which has been brought to the notice of the Tribunal it becomes clear that an amicable settlement has already been arrived at between the parties to the dispute and the memorandum of settlement is duly executed by the parties also. As the said settlement appears to be just, fair and proper, the present reference is allowed to be finally disposed of in terms of the same. The memorandum of settlement would form part of the award.

S. H. KAZMI, Presiding Officer

FORM—H

[Rules 58 of Industrial Disputes (Central) Rules, 1957]

MEMORANDUM OF SETTLEMENT

For the Employers :

For the Workmen :

1. Sri P. K. Pattanayak,
Chief (HR/IR)—Jharia,
M/s. Tata Iron & Steel
Co. Ltd.
P.O.—Jamadoba
Dist. Dhanbad.

1. Sri Kutubuddin No. II,
Ex. CTW.
Ex. P. No. 206141,
Jamadoba Colliery.

2. Sri Shashi Kumar,
Manager (HR/IR),

M/s. Tata Iron & Steel

Co. Ltd.

P.O.—Jamadoba

Dist. Dhanbad.

SHORT RECITAL OF THE CASE

WHEREAS the workman namely Sri Kutubuddin No. II was dismissed from the services of M/s. Tata Iron and Steel Company Ltd. (hereinafter referred to as the company) with effect from 19-01-2000 for a proven act of misconduct of violent and riotous behaviour within the meaning of Clause 19(5) of certified standing orders of the Company.

AND WHEREAS Sri Kutubuddin-II raised an industrial dispute challenging the order of dismissal which was referred by the Central Government to the Central Govt. Industrial Tribunal No. I, Dhanbad for adjudication vide Order No. L-20012/154/2001-IR(C-1) dated 10-7-2001.

AND WHEREAS Sri Kutubuddin -II approached the management for settlement of his dispute while the said industrial dispute was pending before CGIT No. I Dhanbad.

AND WHEREAS pursuant to discussions and negotiations, the parties have resolved the industrial dispute today the 21st June, 2003 on the following terms and conditions :

TERMS AND CONDITIONS

It is agreed :—

- (1) That, Sri Kutubuddin -II shall be deemed to be superannuated from the date he reached the age of superannuation, i.e. on 15-03-1999 as per his recorded date of birth in the Company's record i.e. 15-03-1939.
- (2) That, Sri Kutubuddin-II accepts his guilt committed on 21-08-1999 for which he was dismissed w.e.f. 19-01-2000.
- (3) That, Sri Kutubuddin-II shall be paid 15 (Fifteen) days leave wages which was in his credit prior to his dismissal from service.
- (4) That, Farewell Gift as presented to other retired employees of the Company shall be given to Sri Kutubuddin-II.
- (5) That, Free Medical facility at the Company's Hospital at Jamadoba shall be provided to Sri Kutubuddin-II and his spouse as per Co's rules.
- (6) That, the concerned workman shall not raise any dispute in future before any forum for his reinstatement or payment of back wages.

(7) That, Sri Kutubuddin-II shall file this Memorandum of Settlement before the Central Govt. Industrial Tribunal No. 1, Dhanbad for passing a consent Award in terms of this Settlement.

(8) That, the parties shall send a joint application to the concerned labour authorities for recording of this settlement.

IN WITNESS WHEREOF the parties have appended their signatures on this day of 21st June, 2003 in token of having accepted and agreed to the above terms and conditions.

For the Employers :

- 1 Sri P. K. Pattanayak,
Chief(HR/IR)—Jharia,
M/s. Tata Iron & Steel
Co. Ltd.
P.O.—Jamadoba
Dist. Dhanbad.
2. Sri Shashi Kumar,
Manager (HR/IR),
M/s. Tata Iron & Steel
Co. Ltd.
P.O.—Jamadoba
Dist. Dhanbad.

For the Workmen :

1. Sri Kutubuddin No.II,
Ex. CTW.
Ex. P No. 206141,
Jamadoba Colliery.

WITNESSES

- | | |
|--|---|
| 1. Sri Dharam Rakshit,
Manager (HR/IR),
H R Deptt.
Jamadoba | 1. Sri D. K. Sharma,
Head Clerk,
H R Deptt.
Jamadoba |
|--|---|

Part of the award

Under Regd. Post with A/D.

Copy forwarded to :

1. The Asst. Labour Commissioner (Central), Govt. of India, Ministry of Labour, Shram Bhawan, New Colony, P.O.—Jagjiwan Nagar, Dhanbad.
2. The Regional Labour Commissioner (Central), Govt. of India, Ministry of Labour, Shram Bhawan, New Colony, P.O.—Jagjiwan Nagar, Dhanbad-826 003.
3. The Chief Labour Commissioner (Central), Shram Sakti Bhawan, Rafi Marg, New Delhi.

4. Secretary to Govt. of India, Ministry of Labour,
Shram Shakti Bhawan, Rafi Marg, New Delhi.

5. Parties concerned.

नई दिल्ली, 11 जुलाई, 2003

का. आ. 2269.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण I, धनबाद के पंचाट (संदर्भ संख्या 122/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-7-2003 को प्राप्त हुआ था।

[सं. एल-20012/93/96-आई.आर.(सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 11th July, 2003

S. O. 2269.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 122/1997) of the Central Government Industrial Tribunal I, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 9-7-2003.

[No. L-20012/93/96-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference U/s. 10(1)(d)(2A) of the Industrial Disputes Act, 1947

Reference No. 122 of 1997

Parties : Employers in relation to the
Management of Lodna Area
of M/s. B.C.C. Ltd.

AND

Their Workmen

Present :

SHRI S. H. KAZMI, Presiding Officer.

Appearances :

For the Employers : None.

For the Workman : None.

State : Jharkhand

Industry : Coal

Dated, the 27th June, 2003

AWARD

By Order No. L-20012/93/96-IR(C-I) dated 1-5-1997 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by Clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of North Tisra Colliery of M/s. BCCL in denial to pay the wages to Sh. Sahdev Pasi, T/Jamadar for the period 1-7-1990 to 14-4-1992 is legal and justified? If not, to what relief the workman is entitled?”

2. It appears from the record that pursuant to the registration of this reference in this Tribunal in the year 1997 non appeared at any stage to file written statement on behalf of the workman. Only adjournments were granted from time to time to enable the workman or union to appear and take necessary steps. Notices were also sent and on the last date even registered notice was sent to the workman/union for the aforesaid purpose, but even then position remained the same and to day again none is responding on behalf of the workman.

From all the aforesaid, it is clear that the person at whose instance the present reference case has been referred to this Tribunal for adjudication is not at all interested in pursuing the present case or dispute raised by him and when the person aggrieved himself is no more interested in pursuing the dispute it would be sheer wastage of time to grant any further adjournment or to allow this case to remain pending any longer.

This, reference as such, stands finally disposed of.

S. H. KAZMI, Presiding Officer

नई दिल्ली, 11 जुलाई, 2003

का. आ. 2270.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण I, धनबाद के पंचाट (संदर्भ संख्या 120/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-7-2003 को प्राप्त हुआ था।

[सं. एल-20012/83/96-आई.आर.(सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 11th July, 2003

S. O. 2270.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 120/1997) of the Central Government Industrial Tribunal I, Dhanbad now as shown in the Annexure in the Industrial

Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 9-7-2003.

[No. L-20012/83/96-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference U/s. 10(1)(d)(2A) of the Industrial Disputes Act, 1947

Reference No. 120 of 1997

Parties : Employers in relation to the management of Jealgora Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen

Present :

SHRI S. H. KAZMI, Presiding Officer.

Appearances :

For the Employers : None.

For the Workman : None.

State : Jharkhand

Industry : Coal

Dated, the 25th June, 2003

AWARD

By Order No. L-20012/83/96-IR(C-I) dated 1-5-1997 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by Clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the dispute for adjudication to this Tribunal :

"Whether the demand of the Union for the regularisation of S/Shri Sarjoo Prajapati as Night Guard in Grade-G, Ram Badan Paswan in Cat.-IV, Dilip Kumar in Grade-D and Sarjoo in Cat-III respectively is legal and justified? If so, to what relief are these workmen entitled?"

2. It appears from the record that pursuant to the registration of the present reference in this Tribunal on 16-6-1997 several dates were fixed and several adjournments were granted to enable the workmen/union to appear and file written statement. Notices were also sent repeatedly and on the last date even the notice under registered cover was sent to the workmen/union for taking steps as required. Despite all the above, the position remained the same and at no stage any one cared to appear and file written statement on behalf of the workmen whereas in term of the order

of reference itself the same was required to be filed in the year 1997 itself. It is clear that either the dispute for which the reference has been made is no more in existence or due to some other reason the workmen concerned/union are no more interested in pursuing the present case. Keeping this case pending any longer, in such circumstances, is absolutely needless.

This reference case, as such, finally stands disposed of.

S.H. KAZMI, Presiding Officer.

नई दिल्ली, 11 जुलाई, 2003

का. आ. 2271.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण I, धनबाद के पंचाट (संदर्भ संख्या 26/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-7-2003 को प्राप्त हुआ था।

[सं. एल-20012/471/95-आई.आर.(सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 11th July, 2003

S. O. 2271.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 26/1997) of the Central Government Industrial Tribunal I, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 9-7-2003.

[No. L-20012/471/95-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD.

In the matter of a reference U/s. 10(1)(d)(2A) of the Industrial Disputes Act.

Reference No. 26 of 1997

Parties : Employers in relation to the management of Bastacolla Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen

Present :

SHRI S. H. KAZMI, Presiding Officer.

APPEARANCES:

For the Employers : Shri U.N. Lal, Advocate.
 For the Workman : None.
 State : Jharkhand
 Industry : Coal

Dated, the 25th June, 2003

AWARD

By Order No. L-20012/471/95-IR(C-1) dated 14-2-1997 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by Clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Bastacolla Area of M/s. BCCL in denying the employment under para 9.4.2 of NCWA-IV to Smt. Kumari Bai, Wife of Shri Nanku B.P. absconding workman from 1984 till date is justified? If not, to what relief Smt. Kumari Bai entitled?"

2. It appears from the record that right from the inception or right from the date when the present reference was registered in the year 1997 none ever cared to appear and file written statement on behalf of the workman whereas in terms of the order of reference or the notification the same was required to be filed by the workman/union in the year 1997 itself. It is evident that notices were sent repeatedly and several adjournments were granted from time to time to enable the workman/union to appear and take necessary step but the position always remained the same and no significant development at all in the aforesaid regard could take place. On the last date considering the past developments one more adjournment was granted and the order was passed for sending notice to the workman/union afresh under registered cover. Compliance of the said order was made and notice was sent but as it is apparent to-day again neither there is appearance nor written statement from the side of the workman.

It is thus clear from all the aforesaid that the workman/union is no more interested in the present case and does not want to pursue the same any further otherwise there does not appear to be any reason why this case has been abandoned in such a manner by them or why they have left the case un-attended.

Since the person aggrieved or the person at whose instance the present case has been referred to this Tribunal for adjudication himself is no more interested in pursuing this case it would not just be needless rather would be sheer wastage of valuable time of this Tribunal to grant adjournments unnecessarily and to allow this case to remain pending any longer.

This reference, as such, stands finally disposed of.

S.H. KAZMI, Presiding Officer

नई दिल्ली, 11 जुलाई, 2003

का० आ० 2272.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण I, धनबाद के पंचाट (संदर्भ संख्या 125/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-7-2003 को प्राप्त हुआ था।

[सं. एल-20012/117/96-आई.आर.(सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 11th July, 2003.

S. O. 2272.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 125/1997) of the Central Government Industrial Tribunal I, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 9-7-2003.

[No. L-20012/117/96-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD**

In the matter of a reference U/S. 10(1)(d)(2A) of the Industrial Disputes Act, 1947.

Reference No. 125 of 1997

PARTIES: Employers in relation to the management of Madhub and Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen

PRESENT:

SHRI S. H. KAZMI, Presiding Officer

APPEARANCES:

For the Employers : None.
 For the Workman : None.
 State : Jharkhand
 Industry : Coal

Dated, the 26th June, 2003

AWARD

By Order No. L-20012/117/96-IR(C-1) dated 10-6-1997 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by Clause (d) of

Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the demand by the Union for regularisation as Dresser of Shri Ganesh Beldar, Miner/Loader by the Management of M/s. BCCL is legal and justified? If so, to what relief is the workman entitled?”

2. It appears from the record that this reference of the year 1997 is still pending for appearance and for filing written statement by the workman or the union, despite even the notice being sent, repeatedly for the said purpose. It appears that on 2-6-2003 noticing the past development one more adjournment was granted and order was passed for sending notice afresh to the workman/union under registered cover for the aforesaid purpose. Despite all such steps being taken the position always remained the same and to-day again no one appeared on behalf of the workman nor written statement has been filed. It is thus obvious that the concerned workman or the union has lost interest and does not want to pursue this case any further or the dispute for which the present reference has been made is no longer in existence. When the person concerned at whose instance the present case has been referred to this Tribunal himself is no more interested in pursuing the present case it is needless to allow the same to remain pending any longer by granting adjournments unnecessarily.

This reference, as such, stands finally disposed of.

S.H. KAZMI, Presiding Officer

नई दिल्ली, 11 जुलाई, 2003

का. आ. 2273.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण I, धनबाद के पंचाट (संदर्भ संख्या 129/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-7-2003 को प्राप्त हुआ था।

[सं. एल-20012/82/96-आई.आर. (सी-1)]

एस. एस. गुप्ता, अवसर सचिव

New Delhi, the 11th July, 2003

S. O. 2273.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 129/1997) of the Central Government Industrial Tribunal I, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 9-7-2003.

[No. L-20012/82/96-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference U/S. 10(1)(d)(2A) of the Industrial Disputes Act, 1997.

Reference No. 129 of 1997

PARTIES: Employers in relation to the management of Balihari Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen

PRESENT: SHRI S. H. KAZMI, Presiding Officer.

APPEARANCES:

For the Employers : None.

For the Workman : None.

State : Jharkhand

Industry : Coal

Dated, the 27th June, 2003

AWARD

By Order No. L-20012/82/96-IR(C-1) dated 30-6-1997 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by Clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the demand of the Union for the payment of Category-IV wages as Tyndals and other benefits to S/Shri Ramesh Mia, Sejer Godairiaya, Pandu Munda and Mohit Mallah for the period 7-3-1987 to 31-12-1988 is legal and justified? If so, to what relief are these workman entitled?”

2. As it is evident, this reference of the year 1997 is still pending for appearance and for filing of the written statement by the workman/union. Notices were sent repeatedly even under registered cover and several adjournments were granted to enable the workman/union to appear and take necessary steps but no significant development could take place even thereafter. It is thus obvious that the workman/ union is least interested in pursuing the present dispute or case for the reasons best known to them. It appears that this case simply relates to the payment of due wages to the concerned workman, so the concerned workman might have already been offered his due wages during the pendency of this reference and so far that reason he has left this case un-attended.

Anyway, whatever may be the reason, considering all the aforesaid developments, in my view, it would be sheer wastage of valuable time of the tribunal to allow this case to remain pending any further.

This reference, as such, stands finally disposed of.

S.H. KAZMI, Presiding Officer

नई दिल्ली, 11 जुलाई, 2003

का. आ. 2274.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण I, धनबाद के पंचाट (संदर्भ संख्या 36/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-7-2003 को प्राप्त हुआ था।

[सं. एल-20012/413/95-आई.आर.(सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 11th July, 2003

S. O. 2274.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 36/1997) of the Central Government Industrial Tribunal I, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 9-7-2003.

[No. L-20012/413/95-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference U/S.10(1)(d)(2A) of the Industrial Disputes Act, 1947

Reference No. 36 of 1997

PARTIES: Employers in relation to the management of Mugma Area of M/s. B.C.C. Ltd.

AND

Their Workmen

PRESENT:

Shri S. H. Kazmi,

Presiding Officer.

APPEARANCES:

For the Employers : None.

For the Workman : None.

State : Jharkhand

Industry : Coal

Dated, the 25th June, 2003

AWARD

By Order No. L-20012/413/95-IR(Coal-1) dated 14-1-1997 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by Clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Khoodia Colliery of M/s. E.C. Ltd. in denial to refer the workman Shri Tabarak Mia, Fitter Helper to Apex Medical Board for his age assessment is justified? If not, to what relief is the said workman entitled?”

2. It appears that this case is still pending for appearance and for filing of the written statement on behalf of the workman/union and only adjournment after adjournment was granted to enable the workman/union to take steps, as required. It is also evident that considering the developments made so far, even the registered notice was sent to the workman on the last date, but that also proved to be of no avail and the position as it exists till today is that neither there is any appearance nor there is any written statement filed from the side of the workman/union. It is thus clear that the person aggrieved or the person at whose instance the present case has been referred to this Tribunal for adjudication is no more interested and does not want to pursue the present case any further for the reason best known to him. In such circumstances, it is absolutely needless to allow this case to remain pending any further and granting adjournment unnecessarily.

This reference, as such, stands finally disposed of.

S.H. KAZMI, Presiding Officer

नई दिल्ली, 11 जुलाई, 2003

का. आ. 2275.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-II, धनबाद के पंचाट (संदर्भ संख्या 80/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-7-2003 को प्राप्त हुआ था।

[सं. एल-20012/174/96-आई.आर.(सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 11th July, 2003

S. O. 2275.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 80/1997)

of the Central Government Industrial Tribunal II, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 9-7-2003.

[No. L-20012/174/96-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Shri B. Biswas, Presiding Officer,

In the matter of an Industrial dispute under Section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 80 of 1997

PARTIES: Employers in relation to the Kustore Medical Hospital of M/s. B.C.C.L. and their workman.

APPEARANCES:

On behalf of the workman : Shri D. Mukherjee, Advocate.

On behalf of the employers : Shri D.K. Verma, Advocate.

State : Jharkhand

Industry : Coal

Dated, Dhanbad the 24th June, 2003

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/174/96-IR(C-V), dated the 14th August, 1997.

SCHEDULE

"Whether the claim of Dr. Ashok Kumar Jha, Ex-Medical Officer (Ortho) of M/s. B.C.C.L., that he is workman under Section 2(s) is legal and justified? If so, whether the action of the management in terminating his services is justified? If not, to what relief is the concerned workman entitled?"

2. The case of the concerned workman according to the W.S. submitted by him in brief is as follows :—

He submitted in his W.S. That he was appointed as Medical Officer (Orthopaedist) and joined the services under the BCCL on and from 19-9-1989 and posted at Kustore Central Hospital with effect from 5-10-89.

He was on probation for a period of one year and after completion of the probationary period successfully he was declared permanent. He submitted that he was appointed as M.O. and his nature of job/work/duty as Medical Officer (Orthopaedist) was purely technical job and he had no supervisory or managerial function and no workman nor any para medical staff was under his control and supervision and accordingly in true senses is a workman within the meaning and supervision of Section 2(s) of the I.D. Act. He submitted that the designation and grade and the rate of wages should not be considered as main criteria to decide whether an employee is a workman or not. He further submitted that he was never in the executive cadre nor in the administrative cadre. No para medical staff like nurses, pharmacist, Dresser, Ward boy and Sweeper of the hospital were under his administrative control.

3. He submitted that in connection with the operation of his mother at Jamshedpur he was on duly sanctioned leave from 2-2-91 to 11-3-91 for taking care of his ailing mother. Unfortunately, in the meantime he suddenly got low back ache and was compelled to take treatment of the doctor who advised him to take rest for 4/5 weeks at the first instant. Clinically it appeared to be a case of Disc prolapse-L-4-5, naturally he was not in a position to join his duty on 12-3-91 and for which he submitted the application addressed to the G.M. BCCL, Kustore Central Hospital dt. 8-3-91 with request to extend his leave. Along with his application he also enclosed required M.C. While he was under treatment for his ailment. He received a letter bearing No. BCCL/EE/NED/92/9350(A) dt. 5/7-5-92 asking him to join within 15 days otherwise his service will have to be terminated. He submitted that as he was not fully recovered he was advised further rest and Physiotherapy under Doctors supervision. Accordingly he again made request to the management supported by M.C. to extend his leave till his complete recovery. In the month of March, 1993 he was fully recovered and was fully fit to resume his duty and accordingly he went to Koyala Bhavan to join his duty on 4-3-93 with a fitness certificate dt. 1-3-93 when he came know that his service had been terminated and he was not allowed to resume his duty. He submitted that his inability to resume his duty after 1-3-91 was due to his serious illness which was beyond his control. He submitted that time to time he informed the management about his illness, the nature of treatment and progress through application. As his absence was beyond his control he submitted that the allegation of misconduct which the management has brought against him had no basis at all. He also submitted that the management did not consider necessary to issue chargesheet against him for committing misconduct. No opportunity was given to him to defend before so-called termination of his service by the management illegally and arbitrarily violating the principles of natural justice. He submitted that no enquiry was conducted nor any disciplinary action was taken against

him before so-called termination of his service. He submitted that he made an appeal before the management after termination of his service with prayer for reinstatement but management without assigning any reason turned down his prayer and for which he raised an industrial dispute before the ALC(C) for conciliation which ultimately resulted reference to this Tribunal.

4. Management on the contrary after filing W.S.-cum-rejoinder have denied all the claims and allegation which the concerned workman asserted in his W.S. They submitted that the concerned workman was appointed as Medical Officer by letter dt. 7-8-83 in the executive cadre for performing supervisory duties of the hospital and was placed in the Executive Grade-II. Thus he was selected, recruited, or appointed as Officer of the company to perform supervisory duties of the hospital. The concerned workman was offered all benefits like, leave, T.A., Medical facilities retirement benefits meant for officer of the company performing managerial and supervisory duties. His condition of service was stipulated in his letter of appointment and it was specifically clarified that he would be governed by the common coal cadre of the CIL. They submitted further that the concerned workman performing the supervisory and administrative duty while he was in service. The staff like Nurses, Pharmacist, Dressers, Ward boy and Sweeper in the hospital used to work under his administrative control. The clerical staff also used to work under his control and accordingly there was no scope to say that the concerned workman did not perform his duties which was not supervisory in nature apart from performing his Technical duties as doctor of the hospital. Moreover, the concerned workman used to draw wages more than 5000 per month. Accordingly they submitted considering his status, nature of jobs performed by him and the wages which he used to receive there is no scope to say that he was a workman. They submitted that all the doctors and engineers perform their technical duties but their appointments are made for performing managerial and supervisory duties for which technical knowledge is essential and technical job are also required to be performed. Accordingly considering all the circumstances it has been decided that the engineers and doctors should be appointed as officers in Executive cadre and they should not be treated as workman and should not have the status of workman. They form part and parcel of the management and for which the claim of Dr. A. K. Jha to treat him as workman was not justified and for which his demand is liable to be rejected summarily. They submitted that the concerned workman submitted an application for grant of leave from 3-2-91 to 11-3-91 on the ground of his mother's ailment and as he personally wanted to attend her in giving her proper medical treatment. His prayer accordingly was considered and allowed and required leave was sanctioned. Thereafter the concerned workman did not turn up for joining his duties on 12-3-91. On the contrary he applied

for extension of his leave on the ground of his own sickness. He submitted an application for the grant of sick leave for 4 to 6 weeks and enclosed a photo copy of the Medical certificate dt. 7-3-91. In support of his claim that he was sick and he wanted some rest. Thereafter they waited for the concerned workman to resume his duties after expiry of 6 weeks but he did not turn up during 1991. He also did not submit any application about reasons of his unauthorised absence during the said period. Accordingly management issued a letter dt. 9/11-12-91 directing him to show cause why as per provision 12.4. (iv) of the Common Coal cadre action would not be taken against him. They submitted that Dr. Jha i.e. the concerned workman did not report for his duties. Even after receipt of that letter and continued absents from his duties with request of leave for indefinite period. As a result the management issued a letter dt. 5/7-5-1992 conveying regret to enhance his leave on his request. He was finally advised on May, 1992 to report for his duties within 15 days failing which action would be taken against him as per proposal mentioned in the letter of December, 1991. They submitted that after finding defying attitude of Dr. A. K. Jha they considered the matter relating to his sickness and came to the conclusion that he was not interested to join his service with some *malafide* motive of adopt the litigation started absents from duties taking mere pretext of sickness. He was carrying on private practice merrily which was more lucrative herein his service. They alleged that in spite of ample opportunities for the treatment which the concerned workman was suffering from at colliery hospital and at also far better places he remained under treatment of private doctor without any reason. They submitted that the concerned workman was not at all sick and for his own interested time to time procured some Medical Certificate from private doctor, submitted the same to the management for extension of his leave. Accordingly the plea taken by the concerned workman about his continuous illness had no basis at all. Disclosing all these facts they submitted that they did not commit any illegality or took any arbitrary step violating the principles of natural justice in terminating the services of the concerned workman.

5. The points to be decided in this reference are :—

“Whether the claim of Dr. Ashok Kumar Jha, Ex-Medical Officer (Ortho) of M/s. BCCL, that he is a workman under Section 2(s) is legal and justified ? If so, whether the action of the management in terminating his services is justified ? If not, to what relief is the concerned workman entitled ?”

FINDING WITH REASONS

6. The concerned workman in order to substantiate his claim has examined himself as WW-1 while management in order to substantiate their claim examined one witness as MW-1. Considering the facts disclosed in the pleading

and considering the evidence of both sides I find no dispute to hold that the concerned workman was appointed Medical Officer (Orthopaedist) and joined the service of BCCL on and from 19-9-89. After joining he was posted at Kustore Central Hospital under the BCCL with effect from 5-10-89 on probation for a period of one year. It has been submitted by the workman after completion of the probationary period successfully he was declared permanent in the service. It is the contention of the workman that in connection with his mother's operation at Jamshedpur he went on leave from 2-2-91 to 11-3-91 duly sanctioned by the management. He submitted that during this leave period suddenly he fell ill with acute low backache and for which he was advised to take rest for 4/5 weeks at the first instance and for which he was not in a position to join his duty on 12-3-91. Accordingly he informed the matter to the G.M. BCCL, Kustore Central Hospital vide his letter dt. 8-3-91 with request to extend his leave for further period. He submitted that during May, 1992 he received a letter from the management directing him to join his duties within 15 days otherwise his service would be terminated. He submitted that as he was not fully recovered from his ailment it was not possible for him to join duty for which again he submitted application for extension of his leave. In the month of March, 1993 he was fully recovered from his ailment and accordingly went to Koyala Bhavan to join his duty on 4-3-93 with certificate of fitness dt. 1-3-93 when he came to know that his service was terminated by the management for which he was not allowed to join his duty. The allegation of the management is that the concerned workman not only remained on unauthorised leave continuously for a long period from 12-3-91 but also he left headquarters without their permission. The submission of the workman on the contrary shows that he went on leave duly sanctioned by the management but in course of the treatment of his mother he fell ill and for which there was no scope on his part to resume his duties. He further submitted that from time to time he informed the management about the nature of ailment along with Medical Certificate. Accordingly he submitted there was no scope to say that he was on unauthorised leave. His allegation is that without giving him any opportunity to defend his case management terminated his service illegally arbitrarily and violating the principles of natural justice. He further submitted that after termination of his service he made an appeal before the management allowing him to reinstate him in service recalling the said order of termination but the management did not consider his appeal for which he raised Industrial dispute with a view to redress his grievance. In course of hearing learned Advocate for the management submitted that the service condition of the concerned workman was guided by Common Coal Cadre scheme and for which he considered as an Officer of the management. They submitted that under the circumstances he could not be considered as workman, as per definition of Section 2(S) of the I.D. Act. MW-1 during his evidence submitted

that as the concerned workman has lost his lien for his unauthorised absence his service was terminated. He further submitted that as per the Common Coal Cadre scheme absence from duty without notice amounts to misconduct and according to that scheme no chargesheet is required to be issued and no enquiry is required to be done against the officer for committing such misconduct. On the contrary the representative of the concerned workman submitted that the nature of job of medical officer was purely technical job. Moreover, he was not entrusted with any supervisory or managerial function in the place of his duty. Neither any workman nor any para-medical staff was under his control and supervision and accordingly denying the claim of the management he submitted that the concerned workman should be considered as a workman under Section 2(S) of the I.D. Act, 1947. In support of the claim the representative of the concerned workman relied on the decisions reported in 1983 Supreme Court cases L & S 510, 1977 LAB I.C. 1068, AIR 1961 Assam 30 (V) 48-C-11. In the decision reported in 1983 SCC Their Lordships of the Hon'ble Apex Court observed that designation or name of post should not be considered as the main criteria to define the status of a person whether he is a workman or not. Other facts are also to be considered in arriving into conclusion to that effect. The Workman was originally defined in S.2(S) of the I.D. Act which is as follows :—

"any person employed (including an apprentice) in any industry to do any skilled manual or clerical work for hire or reward and includes, for the purpose of any proceeding under this Act in relation to an industrial dispute, a workman discharged during that dispute but does not include any person employed in the naval, military or air service of the Crown."

The definition underwent a substantial amendment in 1956 and this is how it stand now :—

"Workman" means any person (including an apprentice) employed in any industry to do any skilled or unskilled manual, supervisory, technical or clerical work, for hire or reward, whether the terms of employment be expressed or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of that dispute or whose dismissal discharge or retrenchment has led to that dispute, but does not include any such person :—

- (i) Who is subject to the Army Act, 1950 or the Air Force Act, 1950 or the Navy (Discipline) Act, 1934; or
- (ii) Who is employed in the police service or as an officer or other employee of a person; or

- (iii) Who is employed mainly in a managerial or administrative capacity ; or
- (iv) Who, being employed in a supervisory capacity draws wages exceeding five hundred rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly or a managerial nature.

The words 'any skilled or unskilled manual, supervisory, technical or clerical work' are not intended to limit or narrow the amplitude of the definition of 'workman'; on the other hand they indicate and emphasise the broad sweep of the definition which is designed to cover all manner of persons employed in an industry, irrespective of whether they are engaged in skilled work or unskilled work, manual work, supervisory work, technical work or clerical work. Quite obviously the broad intention is to take in the entire 'labour force' and exclude the 'managerial force.'

In the decision reported in 1961 Assam 30 Their Lordships observed that the function discharged by a Medical Officer includes diagnosis and prognosis which is a work of highly technical nature. A lay man cannot perform these duties. He is to possess knowledge of specialised character. A Medical Officer therefore comes within the meaning of word 'Technical' and is thus a workman within the meaning of Section 2(S) of the I.D. Act. Their Lordships in support of their observation referred to a decision reported in AIR 1958 SC 353. Again in the decision reported in LAB IC 1977 P-1088 Their Lordships of Allahabad High Court observed:

"According to the changed definition not only persons employed in an industry to do manual or clerical work but persons employed for doing supervisory or technical work are also to be considered to be workmen. Of course, the section goes on to provide that if the wages of persons employed for doing supervisory work exceed Rs. 500/- per month, he will not be considered to be a workman. Even though a doctor is not employed for doing manual or clerical work, he certainly is employed for doing work of technical nature. A doctor employed in an industry for rendering medical aid to its employees, is therefore, a workman: AIR 1955 All 578 held not go law after amendment in 1956."

9. In support of his submission that a doctor employed by an industry is not a workman as defined in the Industrial Disputes Act. Shri J.N. Tiwari relied upon a Division Bench decision of this Court in the case of Lakshmi Devi Sugar Mills Ltd. v. State of Uttar Pradesh reported in (1955) 2 Lab I.J.I = (AIR 1955 All 578). In that case the Court considered the definition of the word 'workman' contained in S.2 (s) of the I.D. Act. Prior to its

being substituted by Act 36/56. The Court pointed out that the word 'workman' had been defined thus :

"any person employed (including an apprentice) in any industry to do any skilled or unskilled manual or clerical work for hire or reward." It held that it is only such persons who are employed in an industry to do either manual or clerical work that fall within the ambit of the aforesaid definition. A person engaged by an industry to do some work which is neither manual nor clerical in nature cannot be considered to be a workman. However, the Parliament by Act 36 of 1956 substituted a new Section 2(s) and definition of the word 'workman' was varied to certain extent. Relevant portion of substituted section reads thus :—

"Workman means any persons (including an apprentice) employed in any industry to do a skilled or unskilled manual supervisory technical or clerical work...."

According to the changed definition not only persons employed in an industry to do manual or clerical work but persons employed for doing supervisory or technical work are also to be considered to be workman. Of course the section goes on to provide that if the wages of person employed for doing supervisory work exceed Rs. 500/- per month, he will not be considered to be a workman. Even though a doctor is not employed for doing manual or clerical work, he certainly is employed for doing work of technical nature. We are therefore, of opinion that the decision cited by the learned counsel has lost validity after amendment made in the Industrial Disputes Act in the year 1956 and that a doctor employed in an industrial for rendering medical aid to its employees is a workman. The Labour Court in our opinion, was quite justified in concluding that in the circumstances the reference made by the State Government was competent."

In view of the decisions referred to above and the observation made by the Hon'ble Court there is sufficient scope to say that though the concerned workman was appointed as Medical Officer and according to the management come under Common Coal cadre his status was no better than the status of workman. In course of evidence the management has failed to submit any cogent paper to show that the said Medical Officer was entrusted with Supervisory/Managerial work in the hospital where he was posted. Accordingly I hold that the status of the said Medical Officer has to be considered as the status of workman and as such there is no scope to say that the instant case is not maintainable in the eye of law.

7. It is the contention of the concerned workman that he went on leave in connection with treatment of his mother duly sanctioned by the management with effect from 2-2-91 to 11-3-91. He submitted that in course of treatment of his mother he fell sick and being advised by

the doctor he submitted application for extension of leave from time to time. During evidence the concerned workman relied on copies of application which he sent to the management for extension of his leave. The relevant copies of his applications are marked as Ext. W-2, W-2/1, W-5, W-8 which are self explanatory. Alongwith the application the concerned workman also submitted medical certificate. The contention of the management is that the concerned workman i.e. Dr. A.K. Jha was not interested to join his service and for which he adopted the tactics of absenting from duties on the pretext of his sickness. They further alleged that the said doctor taking that false plea was very much engaged in private practice merrily which was more lucrative to him than to render his service under the management. It is seen on all occasion at the time of submitting prayer for extension of his leave he enclosed medical certificate duly issued by qualified Orthopaedic surgeon. Management had ample scope to ask the concerned workman to appear before medical board in order to verify the actual nature of ailment which he was suffering from or not. With utter surprise it is noticed that the management did not consider necessary to take any such step against him for causing his appearance before Medical Board for his medical test. Accordingly onus absolutely is on the management to establish that as the concerned workman was not interested to join his service he by taking false pretext extended his leave for an indefinite period. I find no hesitation to say that in spite of making such imputation the management has failed to produce an iota of evidence to substantiate the claim in question. The management has also brought allegation against the concerned workman that instead of joining service he was very much interested to carry on his private practice. Ample scope was on the part of the management to produce prescriptions issued by the concerned workman to his patients during the period of his sickness to show that he was busy with his profession rather than joining his service in support of their claim. But they did not consider necessary to do so. There is no evidence to the effect that the management conducted any secret enquiry against this doctor to ascertain that in the name of his sickness actually he was very much busy in carrying on his private practice but the management too has failed to establish this fact lamentably. Therefore, I find no other way to say that these allegations which the management have brought against the concerned workman are arbitrary and intentional.

8. Considering the evidence of both sides and also considering all materials on record I find no dispute to hold that the concerned workman went on sanctioned leave with effect from 2-2-91 to 11-3-91 in connection with the treatment of his mother. The concerned workman submitted that unfortunately during this period he fell ill due to acute low back ache and for which he had to remain under treatment for a considerable period and time to time he reported this fact to the management and submitted prayer

for extension of leave. In the month of March, 1993 after getting himself recovered from ailment when he on 4-3-93 he came to Koyala Bhawan with a view to resume his duties along with his fitness certificate dt. 1-3-93 he was informed that his service was terminated by the management. He alleged that the management without issuing any chargesheet and also without holding any enquiry terminated his service. He further alleged that the management also did not give any opportunity to defend his case. On the contrary the contention of the management is that as the concerned workman was a member of Common Coal Cadre his lien was not extended and automatically the concerned workman lost his lien as per the Common Coal Cadre scheme as he remained absent from duties for more than 10 days without prior permission from the management the letter of dismissal during evidence of MW-1 was marked as Ext. M-9. The reason which has been assigned in the letter of dismissal is that as the concerned workman failed to resume his duties in spite of giving intimation twice his service was terminated under clause 12(iv) of the Common Coal Cadre scheme. It is the contention of the management that the service of the concerned workman was regulated under Common Coal Cadre scheme which is meant for the executive officers of the management. No evidence is forthcoming that the concerned workman got his appointment as Executive cadre of the management. The appointment letter during evidence of MW-1 was marked as Ext. M-1 and the said appointment letter does not disclose anything that his appointment as doctor was under executive Cadre. In the appointment letter some terms and conditions were imposed which the concerned workman had to accept before his joining as Medical Officer under the management. Condition No. 2 of the appointment letter speaks clearly that during the period of probation including extended period of probation his service will be liable to be terminated without notice and without assigning any reason. It has been further mentioned that his services will be liable to be terminated by giving one months notice or salary in lieu thereof for a temporary employee and three months notice of salary in lieu thereof for regular employee who have been confirmed in writing. From the evidence of WW-1 it transpires that as Medical Officer he joined Kustore Medical Centre on 5-10-89 as Medical Officer on probation and his service was confirmed with effect from 19-9-90. Therefore according to clause 2 of the appointment letter the management was liable to give three months notice or salary in lieu before issuance of termination letter against him. From the appointment letter I did not find any such clause relying on which the management was authorised to terminate the concerned workman without giving him any scope to defend his claim. As per clause 12.4(iv) of the Common Coal Cadre there is a specific provision that the employee, however, is entitled to represent his case to the management explaining the reasons of his absence. It will be upto to the management to accept the explanation or not and if the

explanation is accepted the employee may be reinstated with or without break in service. Said clause 12.4(iv) further speaks that an Executive cadre employee who absents himself without leave for more than 8 calendar days or fails to report without sufficient reasons within 8 days of the posting of the notice or being otherwise duly notified, shall lose his lien and be deemed to have left the services of the company on his own accord with effect from the date he was due to return to his work. I have already discussed above that the concerned workman went on sanctioned leave in connection with the treatment of his mother. The concerned workman during his evidence produced relevant papers to show that time to time he informed the management why he was unable to resume his duties. In all cases he annexed medical certificate in support of his claim. The medical certificate, I consider was issued by a very qualified doctor under whom the concerned workman was under treatment. Therefore, there is no scope to say that the concerned workman remained on unauthorised leave. No evidence on the part of the management is forthcoming to show that the medical certificate which the concerned workman submitted was procured falsely with a view to his personal gain. No evidence is also forthcoming to show that his absence from duty was a harassment to the management. It has been alleged by the management in their W.S. that his plea of ailment was a pretext and he was carrying on his private practice merily which was more lucrative. Over this allegation, I have already discussed above in details and for which act this juncture I do not like to discuss further. Considering all pros and cons there is no scope to say that the concerned workman remained himself absent without giving any information to the management and intentionally he refused to resume his duties inspite of receiving notices from the management. Until and unless the claim of the concerned workman relating to his ailment proved false there is not scope to say that taking false pretext he enjoyed the leave and carried on his professional business. Before taking into consideration of clause 12.4 (iv) of Common Coal Cadre onus on the management is to establish that as his appointment was under executive cadre he was to be guided by Common Coal Cadre Scheme. It is seen that the management has failed to establish any paper to show that his appointment was under executive cadre. The appointment letter marked as Ext. W-1 does not corroborate the claim of the management. It is clear that the concerned workman was confirmed to his post. According to the letter of appointment, 3 months notice or salary in lieu thereof had to be paid before termination of the service of the concerned workman. The management without following that terms and conditions as laid done in the letter of appointment terminated his service on giving 15 days notice without giving him any opportunity to defend his case. No reasons has been assigned by the management why the concerned workman was deprived to defend his case.

Termination letter marked as Ext. M-9 does not show from which date his termination from service came into effect. Therefore, the said order of termination appears to be defective. It is further seen that after termination of service the concerned workman submitted representation with a prayer for his reinstatement in service. No evidence is forthcoming whether his petition was rejected or not. The management did not shows highest gesture to inform the fate of the representation submitted by the concerned workman. It is seen that the concerned workman was appointed by Dy. Chief Personnel Manager, CIL. MW-1 during his evidence disclosed categorically that all officers are appointed by the CIL and after appointment CIL places the services of the officer at different subsidiaries. As BCCL is a subsidiary authority they do not have any right to terminate the services of any officer. Only Chairman, CIL can terminate the services of officer. He submitted that however, the services of any officer including the doctor can be terminated by the Chairman, BCCL. Here it is seen that the services of the concerned workman was terminated under signature of Dy. Chief Manager (EE) and not under signature of the Chairman. According to the evidence of MW-1 only Chairman, BCCL can terminate the services of the concerned workman. No evidence is forthcoming that Dy. Chief Manager who signed the termination letter was delegated such power by the Chairman. Therefore, if this fact is considered there is sufficient reason to hold that Dy. Chief Manager had no authority to terminate the services of officer under Common Coal Cadre Scheme and obviously in view of the facts and circumstances the said order of termination is to be considered as invalid one. It is seen that the concerned workman was deprived due to whimsical act of the management to defend his case. Neither he was chargesheeted nor any enquiry proceeding was drawn up against him. Arbitrarily the concerned workman was guilty of misconduct and he was terminated from his service. Such decision of the management I should say was not only illegal and arbitrary but also it violated the principles of natural justice. In the result, the following award is rendered:

“The claim of Dr. Ashok Kumar Jha, Ex-Medical Officer (Ortho) of M/s. BCCL that he is a workman under Section 2(s) is legal and justified. Consequently, the action of the management in terminating his services is not justified. Accordingly, the management is directed to reinstate the concerned workman with payment of 25% back wages from the date of the order of dismissal i.e. 4-3-93 with continuity of service.”

The management is directed to implement the award within three months from the date of its publication in the Gazette of India in the light of the observation made above.

B-BISWAS, Presiding Officer

नई दिल्ली, 11 जुलाई, 2003

का. आ. 2276.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा०को०को०लि० के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, II, धनबाद के पंचाट (संदर्भ संख्या 60/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-7-2003 को प्राप्त हुआ था।

[सं० एल-20012/110/2000-आई आर (सी-1)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 11th July, 2003

S.O. 2276.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 60/2000) of the Central Government Industrial Tribunal-II, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 9-07-2003.

[No. L-20012/110/2000/IR (C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

SHRI B. BISWAS, Presiding Officer

In the matter of an Industrial dispute under Section 10(1)(d) of the I.D. Act, 1947.

REFERENCE No. 60 OF 2000

PARTIES : Employers in relation to the management of M/s. B.C.C.L. and their workman.

APPEARANCES :

On behalf of the workman : Shri U. Ansari,
authorised representative.

On behalf of the employers : Shri H. Nath, Advocate.

State : Jharkhand : Industry : Coal.

Dated, Dhanbad, the 25th June, 2003.

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1) (d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/110/2000 (C-1), dated the 29th June, 2000.

SCHEDULE

“Whether the action of the management of BCCL, Kustore Area in dismissing Sh. Ramdas Haji Sweeper from service w.e.f. 13-10-97 is just and fair? If not, to what relief is the workman entitled?”

2. The case of the concerned workman according to the W.S. submitted by the sponsoring union on his behalf in brief is as follows :—

They submitted that the concerned workman since his date of appointment was posted at Ena colliery under Kustore Area of M/s. BCCL. They alleged that management issued a chargesheet for committing misconduct on the ground of absentism in a most mechanical and routine manner and thereafter on the basis of that chargesheet they conducted a domestic enquiry against him through enquiry officer being appointed by them. They further alleged that the said enquiry officer being biased conducted the said domestic enquiry in a most perverse manner as he did not give reasonable opportunity to the concerned workman to defend his case properly. Thereafter, the said Enquiry Officer without application of his mind properly submitted his report holding him guilty to the charges illegally, arbitrarily and violating the principle of natural justice. They alleged further that on the basis of the said report Disciplinary Authority dismissed him from service. They submitted that the concerned workman has become victim of discrimination adopted by the management and accordingly submitted prayer to pass award directing the management to reinstate him in service with full back wages.

3. The management on the contrary after filing W.S.-cum-rejoinder have denied all the claims and allegations which the sponsoring union asserted in their W.S. They admitting the fact of the employment of the concerned workman at Ena colliery in Kustore area submitted that for committing misconduct on the ground of Absentism a chargesheet vide letter No. ENA/PD/97/CS-ABS/750 dt. 19-7-97 under clause 26:1:1 of the Standing Orders was issued to him. They submitted that the concerned workman was a habitual absentee. They disclosed that during the years 1994, 1995 and 1996 the concerned workman worked for 74 days, 63 days and 76 days respectively and he started absents from duty since 12-5-97. They submitted that as the reply to the chargesheet given by the concerned workman was not satisfactory the Disciplinary Authority decided to hold domestic enquiry against him and accordingly, appointed enquiry officer to conduct domestic enquiry against him. They disclosed that during enquiry proceeding the concerned workman fully participated in the said enquiry and the enquiry proceeding was conducted according to the principle of natural justice. After completion of the said domestic enquiry the Enquiry Officer submitted his report holding him guilty to the charges. They further submitted that report of the enquiry was handed over to the concerned workman vide letter No. ENA/PD/97-E & G/832 dt. 14-8-97 which was received by him on 16-8-97. Thereafter the competent authority considering the enquiry report and other matters, and past conduct of the concerned workman issued an order of dismissal from service vide letter No. ENA/PD/97/Fermination/1092 dt. 13/15-10-97.

They have categorically denied the fact that they committed any illegality or violated the principles of natural justice in dismissing the concerned workman from service. Accordingly, they have submitted their prayer to pass award rejecting the claim of the concerned workman.

4. Points to be decided in this reference are :—

“Whether the action of the management of BCCL, Kustore Area in dismissing Shri Ramdas Hadi sweeper from service w.e.f. 13-10-97 is just and fair? If not, to what relief is the workman entitled?”

FINDINGS WITH REASONS

5. It transpires from the record that before taking up hearing on merit the hearing on preliminary point was taken up to consider if domestic enquiry held against the concerned workman by the enquiry was fair, proper and in accordance with the principle of natural justice or not. The said issue was disposed of vide order No. 9 dt. 21-3-03 in favour of the management. Accordingly, at this stage I do not find any sufficient ground to rediscuss the said issue again. Here the point for consideration is if the management have been able to substantiate the charge brought against the concerned workman or not and if so, whether the punishment awarded to the concerned workman by the management can be reconsidered invoking Section 11A of the I.D. Act.

6. In course of evidence of MW-1 the chargesheet issued to the concerned workman was marked as Ext. M-1. It is seen that the said chargesheet was issued to the concerned workman for his wilful absence from duty without sufficient cause under clause 26.1.1 of the Certified standing order with effect from 12-5-97. The contents of the charge for committing misconduct which was brought against the concerned workman is as follows :—

“It appears from our record that you are in the habit of absenting from your duty without any permission/information to the appropriate authority. The details of your attn. during the last 4 yrs are appended below :—

92—
93—
94— 74 days
95— 63 days
96— 76 days.

Further been reported that your absenting with effect from 12-5-97 without any reasonable cause.

Under the circumstances, you are hereby charged for misconduct in terms of the following para of the C.S.O. applicable to this colliery which reads as under—

26. 1. 1—Wilful absence from duty without sufficient cause.

You are asked to show cause within 48 hours of the receipt of this chargesheet as to why appropriate disciplinary action should not be taken against you for the habitual absence from duty.”

It is seen that the concerned workman after receiving his chargesheet submitted his reply where in he disclosed that owing to illness of his wife he could not attend his duties. It transpires from the enquiry proceeding that full opportunity was given to the concerned workman to defend his case. During that enquiry proceeding the concerned workman had got enough scope to establish that he could not attend his duty owing to illness of his wife but he did not consider necessary to produce an iota of paper in support of his claim. Therefore, there is no reason to believe that his unauthorised-absence was for the illness of his wife. The concerned workman also inspite of getting opportunity could not explain why he was prevented from giving any intimation to that effect to the management during the period of his absence. The chargesheet shows clearly that during the year 94, 95 & 96 the concerned workman attended his duties for 74 days, 63 days and 76 days only and again he started remaining himself from duty unauthorisedly since 12-5-97.

7. From the evidence of MW-1 it transpires clearly that initially the concerned workman was a regular worker under the management but after receiving punishment he was converted to Badli worker. The evidence of the witness in this regard gets its support from the report submitted by the Agent, Ena colliery. From this report it transpires that during the period from 92 to 96 the following action had been taken against the concerned workman :—

<u>Date of absent</u>	<u>Action taken</u>
1-6-92 to 23-6-92	Badli list (lost of lien allowed from 25-6-92).
11-11-92 to 1-1-93	Stoppage of one increment allowed from 30-1-93.
17-3-93 to 14-4-93	Lenient viewed allowed from 15-4-93.
5-8-93 to 20-8-93	3 days suspension allowed from 26-8-93.
25-9-93 to 8-11-93	warning allowed from 18-11-93.
3-1-94 to 2-3-94	3 days suspension allowed from 8-4-94.
4-7-94 to 12-9-94	given one more chance allowed from 23-9-94.
11-10-94 to 16-12-94	final warning allowed from 22-12-94.
30-12-94 to 6-4-95	lenient view allowed from 7-4-95.
1-6-95 to 1-7-95	warning allowed from 4-7-95.
7-7-95 to 16-10-95	strong warning allowed from 4-11-95.

20-2-96 to 3-3-96	lenient view allowed from 18-3-96.
8-5-96 to 10-8-96	strong warning allowed from 31-10-96.

and his attendance for the last seven years were as follows:—

1992—
1993—
1994—74 days
1995—63 days
1996—76 days.

This report will expose clearly how irregular the concerned workman was for attending his duties. It is seen that inspite of imposing punishment and issuance of warning letters the concerned workman did not mend his attitude. It is seen that continuously for years together the concerned workman was absolutely irregular in performing his duties without any satisfactory explanation or cause. In course of hearing the concerned workman got ample scope to rebut such allegation against him but he did not consider necessary to do so.

8. Apart from his hectic absence from duty during the past years the management actually brought this allegation of misconduct on the ground of absentism for his remaining himself absent from duty unauthorisedly with effect from 12-5-97 and accordingly chargesheet was issued against him.

9. In course of hearing MW-1 who was enquiry officer in the domestic enquiry of the concerned workman submitted that he consulted the attendance register to ascertain the veracity of his truth in the matter of allegation of absence from duty by the concerned workman for the period in question i.e. from 12-5-97 and onward and also during the past years. In question and found truth in support of such allegation. The representative of the concerned workman submitted that in course of enquiry proceeding the enquiry officer did not seize those attendance register and for which observation made by the enquiry officer cannot be taken with consideration. The report of the Agent marked as Exhibits has exposed for his continuous unauthorised absence from duty for years together. The concerned workman had ample scope to rebut such claim of the management but in course of hearing the concerned workman did not challenge the report submitted by the agent as regards to the punishment imposed on him for his unauthorised absence during the consecutive years in question. Management have brought the charge of misconduct against the concerned workman for violation of clause 26.1.1 of the Certified Standing Orders as he remained himself absent unauthorisedly for a continuous period with effect from 12-5-97. I have carefully considered all the materials on record. I find that the

management have been able to establish sufficiently the charge brought against the concerned workman. Management considering past record of the concerned workman relating to his attendance and considering previous punishment imposed on him and also warning letters issued to him came to the conclusion that no further opportunity could be given to him though he submitted mercy prayer for his rectification and accordingly dismissed him from his service.

Now the point for consideration is if there is any scope to give appropriate relief to the concerned workman complying the provision as laid down under Section 11-A of the I. D. Act.

10. Section 11-A speaks as follows “where an Industrial Dispute relating to the discharge or dismissal of a workman has been referred to a Labour Court, Tribunal or National Tribunal for adjudication and in course of the adjudication proceedings, the Labour court or Tribunal or National Tribunal, as the case may be is satisfied that the order of discharge or dismissal was not justified, it may by its award, set aside the order of discharge or dismissal and direct reinstatement of the workman on such terms and conditions, if any as it thinks fit or give such other relief to the workman including the award of any lesser punishment in lieu of discharge or dismissal as the circumstances of the case may requires”.

11. Therefore, if the contents of the section is looked into it will expose clearly that at the time of hearing the proceeding it should be the bounden duty on the part of the Tribunal to see if the punishment imposed upon the workman by the management was justified or not.

12. I have already discussed above what specific charge was brought against the concerned workman. I am satisfied that the management have been able to substantiate the charge brought against the concerned workman. It is seen that considering the charge relying on the report of the enquiry officer and also relying on the past record management decided to dismiss him from his service as he was beyond rectification and accordingly they dismissed him from his service by letter bearing ENA/PD/97/Termination/1042 dt. 13-10-97 marked as Ext. M-7. Before issuance of that order of dismissal management issued another letter bearing No. ENA / PD/97/ENA 832 dt 13/14-8-97 giving him an opportunity to submit comments over the findings of the enquiry officer Ext. M-8. In reply to that letter the concerned workman by his petition disclosed the reason for his absence. Thereafter, the agent of the colliery submitted his report dt. 30-8-97 Ext. M-6 to the G.M. with recommendation for dismissal of the concerned workman from his service on the ground stated therein. I have carefully considered the report. This report has exposed clearly that the concerned workman was negligent in performing his duties for years together. It is seen that from 1992 to 1996 he was not only converted as badly

worker from regular workman but also on two occasions he was suspended on one occasion his increment was stopped and at least on four occasions he was warned but in spite of taking all those measures the concerned workman did not mend his habit to remain himself absent unauthorisedly. The concerned workman in his letter marked as Ext. M-9 assigned the reason of his absence from 12-5-97 but failed to substantiate his claim. Accordingly such submission of the workman finds no cogent value.

13. It is not expected that a workman at his whims shall attend his duty. It is the bounden duty of every workman to maintain discipline to help the management in smooth running of the administration. It is seen that the concerned workman never cared to maintain such discipline for years together. Even in spite of receiving punishment and warning letters he did not mend his habit and for which he was dismissed from his service. In course of hearing the representative of the workman failed to show that order of dismissal was unjustified. On the contrary considering all materials on record there is sufficient reason to hold that in spite of giving ample opportunities to mend his habit the concerned workman has misused the same. I consider that when the concerned workman misused the privilege given to him by the management for years together to mend his habit if at this stage any lenient view is taken it may create an impact in the mind of other workers and in such case the management may face difficulty to maintain discipline in the administration. Accordingly, after careful consideration of all the facts and circumstances I hold no sufficient ground to set aside the order of dismissal issued by the management against the concerned workman. I further find no reason to say that such order of dismissal was unjustified. In the result, the following award is rendered.

“The action of the management of BCCL, Kustore Area in dismissing Sh. Ramdas Hadi sweeper from service w.e.f. 13-10-97 is just and fair consequently, the concerned workman is not entitled to get any relief.”

B. BISWAS, Presiding Officer

नई दिल्ली, 11 जुलाई, 2003

का०आ० 2277.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा०को०को०लि० के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-II, धनबाद के पंचाट (संदर्भ संख्या 96/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-7-2003 को प्राप्त हुआ था।

[सं० एल-20012/458/97-आई.आर.(सी-1)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 11th July, 2003

S.O. 2277.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 96/99) of the Central Government Industrial Tribunal-II, Dhanbad

now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 9-7-2003.

[No. L-20012/458/97-IR (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD.

PRESENT:

Shri B. BISWAS,
Presiding Officer

In the matter of an Industrial dispute under Section
10(1)(d) of the I.D. Act, 1947.

REFERENCE No. 96/99

PARTIES: Employers in relation to the management
of Jayrampur Colliery of M/s. B.C.C.L.
and their workman.

APPEARANCES:

On behalf of the workman : Shri S. C. Gaur,
Advocate.

On behalf of the employers : Shri D. K. Verma,
Advocate.

State : Jharkhand : Industry : Coal.

Dated, Dhanbad, the 24th June, 2003.

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1) (d) of the I.D. Act, 1947 vide their Order No. L-20012/458/97-IR-(C-1), dated the 27th January, 1999.

SCHEDULE

“Whether the action of the management of Joyrampur Colliery of M/s. BCCL, in not accepting the date of birth as 1-1-49 and date of appointment as 1-1-74 in respect of Sri Basani Dhobi is Justified? If not, to what relief the workman is entitled?”

2. The case of the concerned workman according to W.S. submitted by the sponsoring union on his behalf in brief is as follows :—

The sponsoring Union submitted that the concerned workman was initially appointed at Jeenagora colliery on 1-7-94 and thereafter he was transferred to Joyrampur Colliery under the administrative control of the G.M. Lodna Area in the year 1975. They submitted that at the time of the initial appointment at Jeenagora colliery in the year 1974 his date of birth was recorded as 1-1-49 in the Form B register and also in all other registers maintained by the office of the said colliery. They submitted that in the year 1987 management of Joyrampur Colliery issued service excerpt to him wherein his date of birth was shown as 31-7-45 and date of appointment as 1-1-79. Accordingly he returned

back the said service excerpt with request to the management as to rectify his date of birth as well as date of appointment as 1-1-49 and 1-1-74 respectively but the management did not do anything for correction of his date of birth and date of appointment. They disclosed that in the year 1992 management made a correspondence with the management of Jeenagora colliery about correct date of birth and correct date of his appointment and in reply to that correspondence said management of Jeenagora colliery intimated the present management that date of birth and date of appointment of the concerned workman as per Form B register are 1-1-49 and 1-1-74 respectively. They submitted that at the time of conciliation proceedings the said record of Jeenagora colliery was produced which confirmed the claim of the concerned workman relating to his date of birth and date of appointment but in spite of the same the present management did not consider necessary to correct his date of birth and date of appointment in the statutory register maintained by them, illegally, arbitrarily and violating the principle of natural justice. Hence this case.

3. Management on the contrary after filing W. S. cum-rejoinder have denied all the claims and allegations of the sponsoring union which they have asserted in their W.S. submitted on behalf of the concerned workman. They submitted that the management of Joyrampur colliery did not commit any wrong in not recording the date of birth and date of appointment of the concerned workman as 1-1-49 and 1-1-74 in the statutory Form B Register maintained by them. They disclosed that as per the management's policy when any discrepancy or dispute arises in respect of the age of a workman in such case his actual age is ascertained by the Apex Medical Board of the company. They submitted that in the instant case when the concerned workman was appointed at Jeenagora colliery his date of birth as per his own statement was recorded as 25 years on 6-1-74 i. e. his date of birth was 6-1-49, as a result his date of birth was recorded in the Form B Register of the colliery. They disclosed that subsequently the concerned workman was transferred from Jeenagora colliery to Joyrampur colliery and his date of appointment remained the same as 1-1-74. While his date of birth was recorded as 31-3-45 in the statutory Form B register. They disclosed that the concerned workman did not raise any objection relating to his date of birth as 31-3-45 which was shown in his service excerpt and also which was handed over to him in the year 1987. They disclosed that subsequently when the concerned workman raised dispute relating to his date of birth recorded in the Form B register as 31-3-45, management vide letter dt. 10-2-94 asked the concerned workman to appear before the Apex Medical Board on 22-9-94 but he did not turn up there for his medical test for assessment of his age. Accordingly they submitted that the claim of the sponsoring Union as was not justified the concerned workman is not entitled to get any relief.

4. Points to be decided in this reference are :—

“Whether the action of the management of Joyrampur Colliery of M/S. BCCL in not accepting the date of birth as 1-1-49 and date of appointment 1-1-74 in respect of Sri Basani Dhobi is justified? If not, to what relief the workman is entitled?”

FINDING WITH REASONS

5. It transpires from the record that the concerned workman in order to substantiate his claim not only examined himself as WW-1 but also examined on Office staff of the management as WW-2. Management on the contrary examined one witness on their behalf as MW-1 in support of their claim. The concerned workman by raising the instant Industrial dispute has made two fold allegations against the management. His first allegation is that management arbitrarily and illegally recorded his date of birth as 31-3-45 instead of 1-1-49 and his second allegation is that his date of entry in the service was recorded as 1-1-79 instead of 1-7-74 in the Form B Register. He submitted that on 1-7-74 he was initially appointed at Jeenagora colliery and thereafter in the year 1975 he was transferred to Joyrampur colliery a sister concern of the BCCL and falling within the same administrative Area of G. M. Lodna Area of M/s. BCCL in the year 1975. He submitted that at the time of his initial appointment at Jeenagora colliery his date of birth was recorded as 1-1-49 in the Statutory Form B Register. He alleged that in the year 1987 when management of Joyrampur colliery issued service excerpt to him he was perplexed on seeing that his date of birth was recorded therein as 31-7-45 instead of 1-1-49 and his date of appointment as 1-1-79 instead of 1-1-74. He instantly raised objection and requested the management to rectify the error in question but management did not take any step for proper rectification of his date of birth and date of appointment. He submitted that during conciliation proceeding record from Jeenagora colliery where he joined on getting his initial appointment was produced wherefrom it exposed clearly that his date of birth and date of appointment were recorded as 1-1-49 and 1-7-74 respectively in spite of getting knowledge of this fact the present management did not consider necessary to rectify the errors in question.

6. The copy of the service excerpt which the concerned workman produced in course of his evidence marked as Ext. W-1 has supported his claim about wrong recording of his date of birth and date of appointment. The concerned workman in order to substantiate his claim relied on the letter issued by Manager/Agent Jeenagora colliery and addressed to Dy. Chief Personnel Manager Lodna Area Ext. W-2. By this letter the management of Jeenagora Colliery informed that as per Form B Register maintained by him date of birth of the concerned workman was recorded as 1-1-1949 while date of appointment was recorded as 1-1-1974. It is admitted facts that Jeenagora Colliery is a sister concern of Joyrampur Colliery under the same administrative control of Lodna Area. From this letter it

further transpires that all service records of the concerned workman were sent to Jeyrampur colliery in the year 1975 while he was transferred there. It is not the case of the present management that they did not receive the service records of the concerned workman from Jeenagora Colliery in the year 1975 on his transfer. In the said service record date of birth and date of appointment of the concerned workman were mentioned closely but it is seen that the same were not recorded in the Form B Register maintained by the present management. The letter marked as Ext. W-2 is an official letter 13/14-4-92 written by manager (Agent, Jeenagora Colliery in course of his official business and also in reference to Memo No. BCCL: GM: LA: PER: 92: 805: 7704 dt. 17-3-92 of Personnel Manager (E) Lodna Area under reference to letter No. BCCL/A/Joy/92/453 dt. 13-2-92 from A.B. Sinha, Dy. P. M. Joyrampur Colliery. In course of hearing Management did not challenge the genuinity of the letter in question. It is seen that the present management totally ignored the contents of the letter relating to the date of birth and date of appointment of the concerned workman but have failed assign the reason when they ignored the contents of this letter. It is seen that present management initially ignored the claim of the concerned workman and thereafter ignored the contents of the letter issued by the management/Agent of Jeenagora Colliery. They also did not give any importance to the service record of the concerned workman which was sent to the present management as far back as in the year 1975 after the concerned workman joined at Joyrampur Colliery on his transfer from Jeenagora Colliery.

7. The management on the contrary relying on the Form B Register of Joyrampur Colliery Ext. M-1 submitted that the date of termination from employment and date of appointment of the concerned workman were recorded as 31-3-2005 and 1-1-74 respectively. They submitted that taking into consideration of the date of termination his date of birth was calculated as 31-3-45 and relying on the same service excerpt was issued to him and inspite of receiving the service excerpt he did not raise any objection relating to his date of birth recorded therein. The service excerpt which the concerned workman retained to the management under his L.T.I. was marked as Ext. M-2 while the copy of service excerpt which was in possession of the concerned workman and which he submitted in course of his evidence was marked as Ext. W-1. I have considered both the service excerpts and it transpires that copy of the service excerpt which was produced by the workman bears two date of birth viz 31-7-45 and 31-3-45. These two date of birth shows clear sign of interpolation but the management in course of hearing have failed to explain when the same was interpolated. However, I find no dispute to hold that the figures were interpolated after its receipt from the workman. Similarly date of appointment also was clearly interpolated by the management. The contention of the management is that as there was dispute relating to date of birth of the concerned workman he was directed to appear

before the Apex Medical Board for assessment of his age but the workman did not turn up. Accordingly they submitted that date of birth recorded in the Form B Register shall be considered as conclusive proof of his age. In support of their claim management relied on the office orders marked as Ext. M-5, M-6 and M-7 respectively. During evidence management also relied on the particulars recorded in Coal Mines Family Pension Scheme, 1971. As per particulars recorded in the said Form date of birth of the concerned workman was recorded as 31-3-45. It is curious to note that pen as well as ink used for writing date of birth are absolutely different from the writing of others particulars and ink used therefor. Safely it can be said after consideration that date of birth and other particulars in the said Form were not written in same sitting and by same person.

8. If for arguments sake it is taken into consideration that the concerned workman did not attend the Medical Board for assessment of his age management cannot avoid their responsibility to establish relying on which particular date of birth of the concerned workman was recorded as 31-3-45. In course of hearing management have failed to produce an iota of evidence in this regard. It is admitted fact that the concerned workman was initially appointed at Jeenagora Colliery on 1-1-74 and at that time his date of birth in the Form B Register was recorded as 1-1-1949, on the next year i.e. during 1975 he was transferred to Joyrampur Colliery and at that time management of Jeenagora Colliery sent his service record to this management. This fact has been established from the letter issued by Manager/Agent Jeenagora Colliery. Ext. W-2 where in his date of birth also was recorded as 1-1-1949. In course of hearing management have failed to give any satisfactory explanation why they have failed to produce the said record. From the letter marked as Ext. W-2 it transpires clearly that date of birth of the concerned workman was recorded in the Form B Register as 1-1-49 while he was posted as Jeenagora Colliery. Management have failed to establish the falsity of this letter issued by the Manager/Agent. No satisfactory explanation is forthcoming why the management have failed to produce Form B Register Jeenagora Colliery which is still maintained there.

9. Question of sending any workman to Apex Medical Board for assessment of age arises as per J.B.C.C.I. Circular No. 76 if discrepancy is found in recording date of birth in different register maintained by the management.

10. Considering all aspects I find sufficient reason to say that there was no discrepancy in recording the date of birth of the concerned workman in different register. It is the official of the management who illegally and whimsically as of their wishes recorded the date of birth of the concerned workman in the Form B Register as 31-3-45 ignoring the date of birth recorded in the service record and the Form B Register as 1-1-49 maintained by

Jeenagora Colliery where he got his first appointment. The management was so vindictive that without rectifying the date of birth of the concerned workman in their Form B Register relying on the date of birth recorded in the Form B Register of Jeenagora Colliery and also relying on the service record received by them asked the concerned workman to appear before the Apex Medical Board for assessment of his age. The acts of the management I should say was not only illegal, arbitrary but also it violated the principles of natural justice.

11. I find no hesitation to say that the date of birth of the concerned workman should be considered as 1-1-49 and not 31-3-45. While his date of appointment should be considered as 1-1-74. Accordingly he is entitled to get his relief.

In the result, the following award is rendered :—

“The action of the management of Joyrampur Colliery of M/s. BCCL in not accepting the date of birth as 1-1-49 and date of appointment as 1-1-74 in respect of Sri Basant Dhobi is not justified. The date of birth of the concerned workman should be considered as 1-1-49 and not 31-3-45 and accordingly he is entitled to get his relief.”

The management is directed to implement the Award within three months from the date of its publication in the Gazette of India in the light of the observation made above.

B. BISWAS, Presiding Officer

नई दिल्ली, 11 जुलाई, 2003

का. आ. 2278.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी०पी०सी०एल० के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-1, मुम्बई के पंचाट (संदर्भ संख्या 38/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-7-2003 को प्राप्त हुआ था।

[सं० एल-30012/97/97-आई.आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 11th July, 2003

S.O. 2278.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 38/98) of the Central Government Industrial Tribunal I Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BPCL and their workman, which was received by the Central Government on 9-7-2003.

[No. L-30012/97/97-IR (C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL No. I, MUMBAI

PRESENT: SHRI JUSTICE S.C. PANDEY

Presiding Officer

Parties :

REFERENCE No. CGIT-38/1998

Employers in relation to the management of

Bharat Petroleum Corporation Limited

And

Their Workmen

Appearances :

For the Management : Shri. R.N. Shah, Advocate

For the workman : Workman present.

State : Maharashtra

Mumbai dated the 25th day of June, 2003

AWARD

This is a reference under clause (d) of sub-section 1 and sub-section 2A of Section 10 of the Industrial Disputes Act (the Act for short) for adjudication of the industrial dispute between Bhimsen D. Jadhav (the workman for short) and Hindustan Petroleum Corporation Ltd. (the Corporation for short). The terms of the dispute referred to the tribunal are as follows :

“Whether the action of the management of Hindustan Petroleum Corporation Ltd. in discharging illegally Mr. Bhimrao D. Jadhav w.e.f. 18-12-1996 is not justified? If not, to what relief is workman entitled.”

2. The undisputed facts of this case are that the workman was working at Vashi Terminal as a Tank Truck Helper. It is also not in dispute that the services of the workman were terminated by the Corporation by order dated 12-12-1996. The order was passed under clause 32 (1) (f) Standing Orders applicable to him. He was discharged from the service with immediate effect. It is not in dispute that workman received the charge sheet on 24-8-1995. The charges framed against the workman appears to be framed under clause 31.7 regarding habitual absence without leave, clause 31.9, commission of acts subversive of discipline and 31.38 the breach of any Standing order or any law applicable to the workman. It is not in dispute that the workman himself participated in the enquiry and the enquiry officer held that charges against the workman were proved.

3. In his statement of claim the workman claimed that he was victimized by Shri. H. L. Zutishi Chairman for the reason he had tried to put a portrait of Late Dr. B. R. Ambedkar. (popularly called as Baba Sahib Ambedkar) the leader of backward classes, in the office of the company on 28-2-1993. It was alleged by him in his Statement of claim that there were 6 more employees besides named by him in his written statement who were charge-sheeted for some act. The other allegations made in the Statement of Claim

against Mr. H.L. Zuteshi are not very relevant except for showing that according to the workman, Shri Zutsi was prejudiced against him and other persons belonging to 'Dalit Community' He was particularly so against the workman. It was further stated that initially he was charge sheeted for affixing the portrait of Dr. Ambedkar. However, that charge sheet was withdrawn and a new charge sheet was issued. The workman made the following amongst others the grounds against the enquiry held against him.

- (i) Standing orders were misused.
- (ii) Two Standing orders were used
 - (a) Model Standing Orders
 - (b) Certified Standing Order.
- (iii) The workman was not given show cause notice.
- (iv) The Standing order was not read as a whole and was used.
- (v) There was no Certified Standing Orders and it was printed during the course of enquiry.
- (vi) The management of the Corporation was bound by the order of Shri. V M. Sawat but it did not do so.
- (vii) The workman was not given proper opportunity to defend himself.

The other points from points No.7 to point No. 19 were scrutinized by this Tribunal Most of them are not relevant for determining the validity of "domestic enquiry" except to the extent that they may show prejudice against him and that may have affected the findings and the order of discharge passed against the workman. This tribunal shall generally consider the drift of these points, while scrutinizing the case on merits. The workman claimed that relief of reinstatement and back wages.

4. The Corporation in its written statement protested against the allegations made by the workman against Shri. H.L. Zuteshi. the chairman and other officials. It denied them. It was claimed the workman was trying to impute motive to the Chairman and officials whereas as a matter of fact he was guilty of remaining absent without leave. It stated that workman remained absent for 106 days without leave between 1st April 1995 to August 1995. He did not dispute the fact that he was warned by his Supervisor Shri D.M. Sable. Accordingly, a charge sheet dated 24-8-1995 was issued to him. On the charge sheet the workman made an endorsement that having regard to corruption at Vashi terminal, he did not feel like attending to his duties. It was also stated that workman gave his explanation dated 07-9-1995. Not satisfied with explanation, it was decided by the Corporation to conduct an enquiry. Even after issuance of charge sheet the workman remained absent without leave for 103 days between August 1995 to

November 1996. Besides taking leave for 128 days. The result was the enquiry was delayed. The enquiry was conducted between 12-4-1996 to 7-10-1996. The workman participated in the enquiry. The corporation examined its three witnesses (a) B.N.Choubey, Deputy Manager, Vashi Terminal (b) A.K.Verma. Senior Operations officer (c) Dr. G. S. Nanda. H./P.C.L. Designated physician. The workman examined P. S. Rakde. The workman was permitted to cross examine the witnesses and file documents. He produced his defence witness. Thereafter, the enquiry was concluded. On the findings recorded against the workman, the workman was given an opportunity to question the report of the enquiry officer by sending the copy of report as per letter dated 14-11-1996. The workman made his submissions dated 03-12-96. Thereafter, the Disciplinary Authority, the General Manager (SCOD) passed the order of discharge dated 12-12-1996, after considering the entire matter on record. In paragraph wise reply to the Statement of claim, it was not disputed that the workman was charge sheeted because he and others had tried to unauthorisedly unveil the portrait of Babasaheb Ambedkar by force and thereby damaging the wall in the lobby of Petroleum House. This act was done against the advice of the security personnel. However, the workman was not discharged for that reason. All other allegations which appear to be adverse to the Corporation were denied. It is not necessary to repeat them at serially at this stage. The Corporation however, prayed that in case the enquiry I found to be vitiated, it be given opportunity to defend itself. The workman filed a long rejoinder of 26 pages. Nothing new was said in that rejoinder so far as the preliminary issue are concerned.

5. On 14-5-1999 the order sheet shows that the draft issues were filed by the Corporation. It is also recorded that preliminary issues framed on that date. However, no preliminary issues are on record. This tribunal, therefore, frames the following usual preliminary issues. The parties have already led evidence with full knowledge regarding the preliminary issues. No prejudice was caused to them.

(i) Whether the enquiry held against the workman was in accordance with the principles of natural justice?

(ii) Whether the findings recorded by the Enquiry Officer are perverse?

(iii) What relief if any could be granted to the workman?

6. The workman filed his affidavit in lieu of examination in chief. He was cross-examined and thereafter he closed his case. The Corporation filed the affidavit M. G. Narayanan in lieu of examination in chief. He was cross examined by the workman. Thereafter, the Corporation closed its case.

7. The workman stated in his affidavit, that Chairman, Mr. H. L. Zuteshi had got removed from job because he was biased against him on the basis of caste and also he had dared to unveil the portrait of Dr. Babasaheb

Ambedkar. He charged Mr. Zuteshi, Mr. Sable and Mr. S. T. Joshi with corruption of 'high degree'. It is stated that workers including the workmen were robbed of money because Mr. Zuteshi had asked them to purchase shares of H. P. C. L. The workman claimed that he lost Rs. 80,000/- He claimed that he was dismissed in the year 1996. The workman in his affidavit raised 20 points. Out of the 20 points this Tribunal could find points No. 8, 9, 10, 11, 17, 18, which may be relevant for the purpose of enquiry. However, the Corporation extensively cross examined the workman. The workman admitted the earlier charge sheet for affixing portrait of Dr. B. R. Ambedkar was dropped. He admitted that he received the charge sheet and had given reply to it. It was stated by him that the enquiry officer and the Presenting Officer were prejudiced against him on the basis of caste. He stated that he was not given any show cause notice prior to issuance of charge sheet. It was stated by him that Mr. Choube, who gave evidence against him in the enquiry was pressurized to depose against him by the management of the Corporation. It was stated in him in cross-examination that D.M. Sable had telephonic conversation with the Enquiry Officer and he was putting pressure upon Mr. M. G. Narayanan, the Enquiry Officer and was showing undue interest in the proceedings during the course of enquiry. It was stated that he had told the Enquiry Officer that he was member of the Upper Caste and Dalit like him could not get justice from him. The workman stated in cross examinations that three Standing Orders as well as Manu Smriti were applied against him. The workmen stated that he was not given the correct copy of the written statement because each page was not signed. It was stated that the authorities of H.P.C.L. had condoned the absence of several persons who remained absent more than six months. He admitted that nobody was dismissed from service on the charge of putting Dr. Ambedkar photograph. Each one of them were transferred. Some of them were not given promotions. Non of them challenged the orders passed against them. He stated that he was given a charge sheet on 24th August, 1995. He was not given an opportunity to defended by Sharad Jadhav or by Mr. Sable. The workman agreed that the contents of the charge sheet were explained to them. He denied that the case was adjourned at his request when he was not fully prepared to cross examine the witness for the Corporation. He denied that on 01- 7- 1996 this was the position asserted by him the case was adjourned for examination of R. K. Mulla. He stated that the witnesses for the defence could be brought because they were employees of the Corporation. The workman admitted that he was absent from duty as described in the charge sheet. He asserted that Mr. Chambe and Mr. Verma were pressurized. Mr. Sable was interfering. The workman stated that he was not given full opportunity.

8. M. G. Narayanan, the Enquiry Officer denied the allegations made by the workman in his affidavit. In his affidavit Shri Narayan stated that Mr. A. M. Parate was

the Presenting Officer. The workman defended himself. He was permitted to cross-examine Mr. B. N. Choube, Mr. A. K. Verma, and Dr. G. S. Nanda. He denied that D. M. Sable had telephoned during the course of enquiry interfered with the enquiry. He stated that certified standing orders were followed. The workman insisted that he be permitted defended by officials from SC/ST Association. The Certified Standing Order did not allow such a course. The enquiry was conducted in a fair manner and the principles of natural justice were followed. The evidence and the documentary evidence was analyzed for coming to the conclusion against the workman.

9. In cross-examination the Enquiry Officer stated that after full cross-examination of the witness, he did not permit further cross-examination. It was not necessary to do so. The enquiry officer denied that he knew that workman was charge sheeted for a fixing the portrait of Dr. Ambedkar. He admitted that it was stated by him that it was a herculean task to finish the enquiry. There was no cross-examination worth the name of the officer. The unaffirmed affidavit given for convenience of the workman or mistyping of B.S. Rokade as R. S. Rokde was made an issue. He stated that had rejected the application for D.M. Sable or Jadhav because they were Officers. He stated that in Enquiry report he had found to absent for 38 days.

10. This is the summary of the entire oral evidence. The evidence of the workman in examination in chief by and large was of not great help to him because he wrongly thought that by accusing the Senior Officers of corruption, he could get away. The fact that he was charge sheeted for unveiling the portrait of Dr. Ambedkar clouded his mind so much so that he thought that origin of his trouble for the reason that he was the member of dalit community and he was hated by all the members of the Upper caste. He was further of the view that Dr. B.R Ambedkar was universally disliked by the members of the upper caste. This thing can only happen when we try to deify human beings. Unfortunately, this tendency has been prevalent in this country for thousands of years. The Hindus have a tradition of Avatars of God, therefore, any great human being can be called an Avtar. Sometimes the greatest iconoclasts of their times has been made Avtars. This is happened with Buddha. He is adapted as 23rd Awatar of Vishnu in Bhagwat Punna. However, the life and times of Buddha show that he was against caste system which according some persons is a backbone of Hindu Social System. It is matter of regret that the followers of Dr. Ambedkar, who himself became the follower of Buddhism along with several members of the Dalit community, is being decfied. This must be contray to his tenets, the true follower of Dr. Ambedkar shall not be satisfied with unveiling his portrait or raising his statutes. This is not say, that above activities are in any way condemnable. They could at best be symbolic. Now you cannot live by symbols alone. This is the . mistake done by the workman. He may not be in for blame so much as his

leaders who are spreading the false doctrine. This tribunal is of the view that the workman could unveil the portrait of Dr. Ambedkar in the gallery provided he was permitted to do so. In case he took the revolutionary step of unveiling the portrait of Dr. Ambedkar, he should be ready to suffer. In any case the act of issuing charge sheet cannot be faulted because the portrait was unveiled, forcefully. However, since the charge sheet was not pursued further it is not possible to say anything about it. Apparently, all the charge sheet persons for affixing the portrait of Dr. B. R. Ambedkar were merely warned. The workman cannot draw any mileage from the fact of service of this charge sheet. At least, this could be the fact that this charge sheet was the motive to enter into the minds of men. It is difficult to reach the inner recesses of the minds of men. The Courts are handicapped in this matter. Therefore, there must be overwhelming external evidence to show a particular attitude of mind. Beside, the issuance of earlier charge sheet, there are no external evidence led to show that there was the element of malice in issuance of the charge sheet in question except the meager circumstance that the first charge sheet was issued. This tribunal does not find any substance in the argument that charge sheet was bad because it was issued by a biased mind.

11. The next question that arises for consideration whether the workman was given reasonable opportunity. The workman says that he was not issued show cause notice prior to issuance of charge sheet. The evidence on record discloses that after issuance of charge sheet the workman was asked to give his explanation. He did not dispute that he gave his explanation. In the opinion of this tribunal the workman was given opportunity to explain his conduct. This opportunity is reasonable in itself.

12. The workman sought to argue that he was not given reasonable opportunity because he was not given the right defence representative of his choice. The evidence of the workman shows that he was not permitted to be defended by Sharad Jadhav or by Mr. Sable. The rejection of this prayer was that these persons could not be permitted to defend the workman as they belonged to Officers class. The Officers were not workmen. The clause 32(3) of the Standing Orders for Marketing and Establishments provides that the workman shall be permitted to be defended by a fellow workman of his choice from the same establishment. The workman did not choose to give any explanation for not choosing a workman from the same establishment. It is well established that a person facing the enquiry has no right to be defended by a particular person. Therefore, if the permission to be defended by Shri. Jadhav or Mr. Sable was rejected it cannot be said that enquiry was vitiated. It is interesting to note that Mr. Sable is the same person whom the workman has called a corrupt Officer and a man hand in glove with Mr. Zuteshi. This tribunal is otherwise satisfied

that the case of the workman did not suffer due to lack of opportunity to be defended by a counsel. The workman himself conducted the proceedings capably but in wrong-headed manner. The workman could have easily avoided the pet fall by taking advice from a lawyer. However, it appears that the workman was more interested in performing a mission there defending himself.

13. The workman was permitted to cross-examine the witnesses examined by the Presenting Officer of the Corporation. The three witnesses and then cross examination show that workman remained absent for 40 days without obtaining leave. The defence witness examined by the workman does not say that he was not absent in cross examination the workman himself did not dispute that he remained absent. He stated at page 5 of his cross examination that it was correct to say that I was absent from duty as described in the charge sheet. On the other hand the Enquiry Officer has found that workman was absent without authority for 40 days. This findings if fair enough.

14. The enquiry proceedings show the workman was granted adjournment on 01-7-1996 to 03-7-1996 as he was not fully prepared for cross examination. However, the workman in cross examination tried to say the case was adjourned for examining R. K. Mulla. This assertion appears to be contrary to Order sheet dated. 01-7-1996 signed by the workman without any protest.

15. The grievance of the workman that he was not permitted to re-examine Mr. Choube. After going through the enquiry papers, it is difficult to accept the contention of the workman. The discretion exercised by the enquiry officer cannot be said to be vitiated.

16. It is not correct to say that in domestic enquiry, the enquiry officer has power to summon a witness. The contention of the workman that the witnesses could not be brought by him is not sustained by him before this tribunal. The list of witnesses given by the workman. Itself was of no consequence. He wanted to examine.

- (i) Mr. R. K. Mulla (General Manager. S.O.D.)
- (ii) D. M. Sable
- (iii) M. G. Narayanan (the Inquiry Officer)
- (iv) A.V. Dhumal
- (v) P. S. Rokde
- (vi) Kamble.

Obviously, the list itself showed that it was filed more with a view to embarrass the management than to defend himself.

17. The workman in his evidence has stated more than once that he did not expect justice from M. G. Narayanan. M.G.Narayan admitted that to had expressed that it was a (Herculean task to conduct the enquiry. His expression appears to be accurate. A close scrutiny of

enquiry papers and the evidence given by the workman himself shows that the workman convinced himself that he would not get justice from Mr. M. G. Narayanan. In the opinion, of this tribunal the workman himself showed castiest approach more than him. Mr. Narayanan was fair enough to give a finding, in his enquiry report, the workman absent between April 1994 to August 1994 for period of 40 days (Not 38 days) as deposed by him in cross-examination. He based his conclusion on the evidence of A. K. Verma and B. N. Choube regarding his absence he has also accepted the evidence of Dr. Nanda to the effect that workman was not sick and that he was normal and was in a position to attend to work. The workman himself stated in his statement in his cross examination (at page 20 of enquiry papers) to the effect that he remaining absent for 1 or 2 days and therefore, he was not taking permission, approval. The reason given by him is that nobody took any permission at the terminal he was working. We cannot find fault with the conclusion of the enquiry officer if he held that all the charges against the workman are proved. The finding is based on evidence on record.

18. The workman tried to argue that all the papers produced during the course of enquiry were false. He was not able to prove any fact on this point. The workman argued that he should be given the benefit of doubt. If the workman himself admitted that he was absent without taking leave because nobody asked for permission. The workman tried to argue that the enquiry officer should have accepted the medical certificates produced by him. The workman stated that written statement was not the written statement of Hindustan Petroleum because it was written on a paper bearing Mono of H.P.C.L. The enquiry officers evidence was liable to be rejected because he did not remember because he could not recollect the fact that he sat for a eight sittings and that he had given a finding that workman was absent for 40 days whereas in his evidence before the tribunal he had stated that the workman was found to be absent for 38 days. He complained that he was given a copy of unaffirmed affidavit and therefore, it should be held that the affidavit filed was unaffirmed. He also stated that Shri. R. K Mulla should have been called by the Enquiry Officer as a witness.

19. This tribunal has stated these arguments from its notes of oral argument. None of these arguments are acceptable. The Enquiry Officer had made a comment on the conduct of the workman. The enquiry officer must have faced an or deal because it appears from the evidence of the workman himself that he was convinced that justice shall not done to him by the enquiry officer. He thought probable that Mr. Narayanan was a follower of Manusmriti as he put it at one place in evidence. It appears to this tribunal that the argument raised by workman and his conduct and his evidence during the case showed that he had created a smoke screen of belief around him that every person, who is not a member

of the Scheduled caste, is against him. If this is not an approach based on caste, then nothing is Dr. B. R Ambedkar was one of the leading lights amongst the founding father of constitution. He did not have a narrow vision about reservations. In fact he reluctantly allowed the reservations to continue for than 20 years. He would have been astounded to his name being adapted by his so called following for the same castiest approach, which he opposed through out his life, amongst the upper caste. It is ironical that the wheel of time has made a full circle. Perhaps this happens in all cases of militant approaches adapted by anybody. History is replete with several instances. This tribunal can only repeat again to say that there is no merit in the arguments raised by the workman.

20. This tribunal is not in any way affected by the approach of the workman. It has pointed out the facts as it understood them. In order to do justice to the workman, this tribunal examined the enquiry papers carefully under section 11-A of the Act. This tribunal regrets to say that the workman was passionately blind to his defence and was more interested in maligning others. In this approach he lost whatever defence he had. Therefore this tribunal cannot hold that the workman was harshly dealt with, or that the principles of natural justice were truly violated. The findings are not perverse.

21. The question of sentence given to workman was also considered under section 11 A of the Act. It has been found by this tribunal the workman was absent for 40 days without leave between April 1994 to August 1995. The charge sheet was issued to him on or about 29-8-1995. He had given his on 7-9-95. The workman should have avoided to remain absent. However, between 8 August, 1995 to November he remained without leave for 103 days and 128 days with leave. Thus within a period of 1 year 3 months, the workman remained absent for 211 days. Under these circumstances, if the disciplinary authority discharged him. Then this tribunal can not say that discretion was improperly exercised. There is no gross violation of any known principle in giving the punishment to the workman. On the other hand the conduct of the workman in remaining absent for long period shows that he lacked interest in his work.

22. Consequently, this reference is answered by stating that the workman rightly discharged the Corporation w.e.f 8-12-1996. He is not entitled to any relief. No costs.

S. C. PANDEY, Presiding Officer

नई दिल्ली, 11 जुलाई, 2003

का० आ० 2279.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एलिटालिया एअर लाईंस के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के

बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण I, मुम्बई के पंचाट (संदर्भ संख्या 10/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-7-03 को प्राप्त हुआ था।

[सं० एल-11012/73/99-आई.आर. (सी-1)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 11th July, 2003

S.O. 2279.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947); the Central Government hereby publishes the award (Ref. No. 10/2000) of the Central Government Industrial Tribunal I, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Alitalia Airlines and their workman, which was received by the Central Government on 9-07-03.

[No. L-11012/73/99-IR (C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. I MUMBAI

PRESENT :

Shri Justice S. C. Pandey, Presiding Officer

REFERENCE NO. CGIT-10/2000

PARTIES :

Employers in relation to the management of M/s. Alitalia Airlines

And

Their Workmen

APPEARANCES:

For the Management : Shri. Presswala, Advocate

For the Workman : Shri A. R. Kulkarni,
Advocate

State : Maharashtra

Mumbai, dated the 23rd day of June, 2003

A W A R D

This is a reference under clause (d) of Sub-Section 10(1) of the Industrial Disputes Act, 1947 (the Act for short) read with Section 10(2A) thereof made by Central Govt. to this Tribunal. The terms of reference are as follows :

“Whether the action of the management of M/s. Alitalia Airlines in removing Mr. Piedade Fernandes Ex-Tractor Operator from service w.e.f. 1-7-1997 is legal and justified? If not, what relief the workman concerned is entitled to?”

2. Piedade Fernandes (the workman for short) filed a Statement of claim against M/s. Alitalia Airlines (the

company for short) claiming that the company is covered by the definition of industry as it was engaged in the transport services. The workman claimed that he was employed by the company as a Tractor Operator and his services were terminated by company without assigning any reason by way of punishment. It was stated that M/s. Randive & Company (Randive for short) was a body shopper for the company. It was alleged that workman was employed in October, 1991 by the company as a Loading Supervisor but he was shown to have entered into contract with Randive as its employee. This was a sham contract. The workman claimed that he worked in various capacities and departments of the company till 1-7-1997. Thereafter, his services were terminated with an ulterior motive because he had declined to put pressure upon his own brother Joseph Fernandes, to withdraw his legitimate claims, under the Act against the company. The workman pleaded that the company indulged in unfair labour practice by entering in sham arrangements with Randive who was apparently shown to be the employer of the workman. The workman raised an industrial dispute before Asstt. Labour Commissioner (Central). The company did not attend the Conciliation proceedings. Thereupon a failure report was sent to the Central Govt. The workman claimed that he worked for more than 240 days continuously in the calendar year counted backward from the date of his dismissal. He asserted that the termination of his services was without notice and payment of retrenchment compensation. The termination was illegal. He claimed reinstatement with back wages and costs.

3. The written statement of the company in short stated that the workman was not its employee. It was stated that Randive was an independent contractor. Randive lent the services of the workman to the company as a Supervisor-cum-tractor driver from time to time. It was stated that the workman was paid by Randive for rendering service to the company. It denied that it entered into any sham contract with Randive with a view to deprive the workman of regular wages. It was stated that the workman was not in possession of any document showing that he was employed by the company. The company denied the allegations regarding motive of the company for terminating the services of the workman. It denied the allegation regarding unfair labour practice. It denied that there was any violation of 25 (F) of the Act. All other allegations were denied.

4. The workman filed a rejoinder. The workman reiterated his pleadings in the Statement of claim and denied those made by the company in its written statement.

5. The workman filed his affidavit in lieu of examination in chief. He was cross examined on 27-9-2002 and 11-10-2002. The workman wanted to examine his brother Joseph Fernandes whose affidavit he had filed.

But on 31-1-2003 the counsel for the workman stated that Joseph Fernandes had gone abroad and therefore, he did not want to pursue with his affidavit. The company produced the document asked by the workman in his application dated 16-12-2002. The documents were handed over to the counsel for the workman on 25-3-2002. The case of the company was closed as it did not want to lead any evidence. The case was fixed for argument.

The basic question is whether the workman was an employee of the company. It may be noticed that the workman had stated there was no formal contract with the company. The arrangement was a sham arrangement wherein the workman was paid by the company through Randive. It is apparent that in such a situation the workman could not have proved any direct relationship of employer and employee. No order of appointment, or any other direct evidence could be produced because in case of sham transactions, properly entered, those very events are likely to be suppressed. The workman however, was bound to lead evidence of surrounding circumstances. It is a quite difficult task. Let us see how far he has succeeded in proving his case.

7. In his affidavit it has been stated by the workman that in administrative records he was shown as the employee of the Randive company but the company treated him as its employee in presence of Airport Authorities. The rest of the allegations in the affidavit are same as made in the Statement of claim. In order to avoid repetition it is not necessary to refer to them. It was further claimed that a permanent driving permit was issued to him. It had to be renewed every year. It would only be issued to a permanent employee of the company. The workman claimed that he was shown as the employee of the company. He stated that he had obtained a duplicate licence because the original was lost. He made report about it with the Sahar Airport Police Station on 22-7-1995. The Sahar Airport Police Station had given W7 the certificate showing the loss of licence. The workman stated he was given two permits for driving vehicles by AAI and IAAI cumulatively marked as exhibit W6. The workman also relied on Ex. W-5 a certificate issued by O. Mascaronhas, the Cargo Supervisor of the company stating that the workman was working as a loading supervisor with the company and he was the holder of the licence No. CA1470 issued by the Airport Authority of Bombay. The workman admitted in cross examination that his job to take cargo to a particular spot from where the Air India was handling the cargo. He admitted that Randive was doing the job of loading the cargo inside the warehouse of the company. The dollies belonged to Air India but the one tractor and the container belonged to Alitalia. It was not disputed by the workman that cargo handling was done by Air India Ltd. and the Indian Airlines Ltd. It was admitted by him Randive too was doing job of Cargo handling. He admitted that he was appointed by Randive. He stated that

he was paid in vouchers, W9, W10, W22 and W12. He admitted that he was being paid salary by Randive & Company even after dismissal till date of giving evidence. There is nothing in these vouchers to connect them with Alitalia. The Super services issuing the vouchers cannot be related to the company even by address. This evidence is of no use. This fact is also clear from the admission that he had no evidence except the certificate to Cargo Supervisor to prove that he was employed by the company. the learned counsel for the workman strongly relied upon the certificate issued by Cargo Supervisor dated 22-7-1995 (Ex-W5). This tribunal is of the opinion by this document the relationship of the employee is not established. Obviously the cargo supervisor had issued the certificate with view that the workman may resume his duties. Even the certificate does not say that the workman is the employee of the company. All it says is that workman is working with the company. The workman can not make much mileage out of the copies of the licence. The licence merely say that the workman was doing the job of the company. It has been sought to be argued that similar driving licence was issued to Cargo Officer Sharmila Lobo. This tribunal is not satisfied that aforesaid document is sufficient evidence. On the other hand, there are clear indication in the evidence that the workman was the employee Randive. The reason is the workman admitted there was no appointment letter. There was no staff number. The Staff No. 075807 is mentioned in W7 in the certificate of loss of licence issued by the Police but it was admitted to be the pass number of Randive by the workman in cross-examination. The workman admitted that he had gone abroad since 1991. The workman even admitted that still Randive is paying him.

8. This tribunal is the opinion that workman has failed to prove that he was an employee of the company and was required to work under the smoke screen of contract with the Randive. This tribunal is of the opinion that it is difficult to prove sham contracts but they cannot be proved on the basis of a single inconclusive document. The sheet anchor of the evidence of the workman is exhibit Ex.5. He has no other document. The workman could have examined the persons working with the company. He did not examination even the person who is issued Ex-W5. It is not necessary to refer to the documents filed by the company since they have not been proved or admitted by the workman.

9. The result of the aforesaid discussion that this reference is answered by saying that the workman was unable to prove that he was employed by the company. Consequently, it cannot be held responsible for the dismissal of the workman. The workman is not entitled to any relief. No. costs.

S. C. PANDEY, Presiding Officer

नई दिल्ली 11 जुलाई, 2003

COMMON AWARD

का०अ० 2280.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार सहारा एअर लाइंस लि० के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण I मुम्बई के पंचाट (संदर्भ संख्या 32/1999 और 34/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-7-2003 को प्राप्त हुआ था

[सं० एल- 11012/27/99 आई०आर०(सी-I);

एल- 11012/26/99 आई०आर०(सी-I)]

एस० एस० गुप्ता, अवर सचिव

New Delhi, the 11th July, 2003

S.O. 2280.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 32/1999 & 34/99) of the Central Government Industrial Tribunal I, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Sahara Air Lines Ltd. and their workman, which was received by the Central Government on 9-7-2003.

[No. L-11012/27/99-IR (C-I);

L-11012/26/99-IR (C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1
MUMBAI

PRESENT

SHRI JUSTICE S. C. PANDEY : Presiding Officer

REFERENCE NO. CGIT-32/1999

REFERENCE NO. CGIT-34/1999

PARTIES : Employers in relation to the management of
M/s. Sahara Airlines Limited

AND

Their Workmen

APPEARANCES:

For the Management : Mr. S. N. Desai, Adv.

For the Workman : Mr. R. R. Mishra

State : Maharashtra

Mumbai, dated the 23rd day of June, 2003

1. These are two references made by the Central Government to this tribunal under clause (d) of Sub-section 1 of Section 10 of the Industrial Disputes Act 1947 (the act for short) read with Sub-section 2 A thereof. The terms of reference No. CGIT-32 of 1999 are as follows and that of Reference No. CGIT-34 of 1999 are those which follow the former.

“क्या कर्मकार श्री सभापति यादव का दावा कि मैं सहारा एअर लाइंस के प्रबंधन ने उनसे त्यागपत्र जबरदस्ती लिया है। सही है? यदि है तो क्या प्रबंधन का यह कार्य सही एवं न्यायसंगत है? यदि नहीं तो कर्मकार किस राहत के पात्र हैं तथा किस तारीख से?”

“क्या कर्मकार श्री जवाहरलाल मिश्र का दावा कि मैं सहारा एअर लाइंस के प्रबंधन ने उनसे त्यागपत्र जबरदस्ती लिया है सही है? यदि हाँ तो क्या प्रबंधन का यह कार्य सही एवं न्यायसंगत है? यदि नहीं तो कर्मकार किस राहत के पात्र हैं तथा किस तारीख से?”

2. Both these references arise out of events involving common acts and questions of law. Therefore this tribunal shall dispose of both these references by a common award. The first party Sahara Airlines Ltd. in both these references shall be referred to as the company for short. And the second party in reference CGIT-1/32 of 1999 and CGIT No. 34 of 1999 shall be collectively referred to as “workmen” or individually as workman depending upon the context, hereinafter for the sake of brevity.

3. Both the workmen in their Statement of Claim stated that they were employed by the company as Senior Drivers. It was claimed that both the workmen that through out the period of their service, they had maintained their service record spotless. Both the workmen stated in their Statements of Claim that both of them along with another co-driver A. K. Tripathi, were called to office of the company situated at Goregaon on 14-6-1998 at about 1.30 P.M. by Shri Pravin Bhardwaj who was working as All India Transport (Chief) and Mr. Sushir Singh as the Station Manager. It was stated that aforesaid officials of the company stated that the services of the three aforesaid workmen were not required by the company and they were coerced to write resignation letters under show of force and duress. On 14-6-1998 itself the two workmen claimed that a registered AD letter was sent by all three of them stating aforesaid events and withdrawing their resignations and requiring the company to take them back into service with immediate effect. However, the company did not respond to their letter. It was claimed that the consequences was that it appeared to the workmen that their services were orally terminated. They sent letters dated 22-7-1998 demanding the reinstatement and continuity in service with

full back wages. When the workmen received no response to their demand letters dated 22-7-1998 they raised two separate industrial disputes in the office of the Central Labour Commissioner, Mumbai. The Conciliation Officer, Asstt. Labour Commissioner heard the workmen and company on several occasions. He sent a failure report in both these cases to the Central Govt. The workmen challenged the oral termination of their services by obtaining resignation letters by show of force and coercion as bad in the eyes of law it was pleaded by both the workmen that they could not obtain gainful employments it was claimed that termination of services of the two workmen was illegal and *mala fide*. It amounted to unfair labour practice, it was prayed that both the workmen be reinstated with full back wages from 14-6-1998 and consequential benefits.

4. In their written statements the company had taken the stand that the terms of the references in both the cases cannot be answered by this tribunal for the reasons stated from (a) to (i) in paragraph 2 of both the written statements. The company did not dispute the fact that both the workmen were serving as drivers with the company. However, it was stated that there was no post of Senior driver with the company. It was admitted that both workmen had mentioned correctly stated the salaries drawn by them. It was stated that the workman had submitted their resignations on 14-6-1998. Their resignations were accepted on 17-7-1998 in case of Jawaharlal Mishra and 18-7-1998 in case of Sabhapati Yadav. It was denied that service record of both the workmen was spotlessly clear, it was averred that company was not satisfied with their work. They were issued Warning letters from time to time. It was stated by the company that both the workmen went to Pravin Bhardwaj and submitted resignations voluntarily w.e.f. 14-6-1998. They could not persuaded to desist from submitting their resignations by Mr. Pravin Bhardwaj since they were insisting for immediate acceptance of their resignations, they were asked to meet Mr. Sudhir Singh. He also failed in his attempt to persuade the workmen to act contrary to their resolutions. It is alleged that in the alternative Pravin Bhardwaj and Sudhakar tried to persuade the three driver to wait till the end of the month but they refused. Thereafter they were told, that they could not be relieved immediately, as the resignations submitted by them shall have to be accepted by the Head Quarters at Lucknow. The workmen were in no mood to listen. The workmen had submitted resignations for better prospects elsewhere. However, they submitted their demand letter on 22-7-1998 as an after thought. The case of the company was that the story of forced resignation was concocted subsequently. The company stated in its pleadings that letter dated 14-6-1998 (referred to as letters withdrawing the resignations) were pre-dated. It was also submitted that letter dated 14-6-1998 does not refer to withdrawal of resignations. The company stated that it was not a case of

forced resignation but voluntary resignation. It denied that the three resignations letters were obtained by coercion or force. It was alleged that both the workmen were gainfully employed. The workmen had no case for reinstatement either on account of illegal resignations or for oral termination.

5. Both the workmen filed rejoinders. They emphasized the fact that on 14-6-1998 itself that they had lodged a complaint with the Commercial Manager. The letter of the company dated 11th July 1998 (in case of Sabhapati Yadav) and 17th July, 1998 (in case of Jawaharlal Mishra) accepting their resignations were communicated to them after withdrawal of resignations. It was denied that there was no question of coercive element in submission of three simultaneous resignations.

6. In Reference No. CGIT No. 32 of 1999 the workman Sabhapathi Yadav examined himself in support of his case and Reference No. CGIT-34 of 1999 Jawaharlal Mishra examined himself. Both these workmen filed their affidavits in lieu of examination-in-chief. They were cross-examined. Thereafter, the case of workman was closed. The company filed identical affidavits of Pravin Bhardwaj in both the cases by way of examination in chief. He was cross examined by Mr. R. R. Mishra in CGIT No. 32 of 1999. With the consent of the parties in order to avoid the duplication the cross-examination of Pravin Bhardwaj by Mr. R. R. Mishra in Ref. CGIT No. 32 of 1999 was adapted as cross-examination in Ref. CGIT No. 34 of 1999 by order sheet dated 29-1-2003. Thereafter, the company closed its case.

7. It would be readily seen that the terms of reference made by the Central Government relate to obtaining of taking resignations letters by force or coercion on the part of the company and its also relates to adjudication in respect of validity of the action of the management of the company and the relief to which workmen are entitled?

8. Before we enter into the controversy between the two parties on facts, it would not be out of place, to adjudicate upon the points raised by the company regarding the validity of the two references. It is alleged that in both the references the crucial date 14-6-1998 has not been mentioned. Therefore, the vital part of cause of action was missing. It is said that the reference is incomplete. It is said that jurisdiction of this tribunal is limited to adjudicate upon the questions referred to it. It cannot add to or subtract from the terms of the references. In the opinion of this tribunal there is no merit in this contention. There was never any dispute between the parties that both the workmen submitted their resignations at Goregaon office of the company on 14-6-1998 before Mr. Bhardwaj and Mr. Sudhir Singh. The vital facts in this case are that workmen were alleged to have submitted their resignation under the show of force and the facts were denied by the company. Thus, the cause of action was crystal clear.

The date and the place of incident were matters incidental to the main dispute. Thus this tribunal can take note of the date of event as 14-6-1998 as a fact incidental to the main dispute, particularly when there is no controversy about the happening of the core events giving rise to the dispute. The conclusion is that there was enough material before the Central Government to refer the dispute this tribunal and the omission of date of the event is not anyway fatal to references.

9. This tribunal is not impressed by the argument that terms of reference do not permit, this tribunal to examine the validity of acceptance of the resignations. It is true that terms of reference do not mention specifically the question of withdrawal of resignations by the workmen and require this tribunal to decide, if the resignations, were obtained by force or coercion by the management of the company. However, it may have to be noted that the case of the workmen is that they had immediately on 14-6-1998 itself sent a registered letter alleging they had submitted the resignations under coercion. This letter being the evidence of contemporaneous conduct of the two workmen, cannot be ignored as a piece of evidence for determining if the resignations were under coercion or duress. Once this fact is conceded then the question of reading the letters piece meal does not arise. The facts stated in the letters, if they amount to withdrawal of resignations, cannot be ignored on the ground that this questions of withdrawal of resignations were not referred to the tribunal. In the opinion of this tribunal the terms of reference have to be widely interpreted holding that it is implicit in terms of the reference that resignations were accepted by management of the company, even though, the workman had withdrawn them prior to acceptance. It may be noted that resignation of a person become complete only after acceptance. The submission of resignation letter by itself is a step in the process of acceptance. That is like an offer in law of contract. It is inchoate or incomplete act. It can be withdrawn prior to acceptance. In this case the tribunal is concerned with the validity of acceptance of resignations letters which were allegedly obtained by force. However, this tribunal is not precluded from examining the obvious questions whether the resignation letters could be accepted.

10. This tribunal is not impressed by another limb of argument, pressed before it by the learned counsel for company fervently. It was sought to be argued that this tribunal should go behind the terms and consider the fact that in notice of demand dated 22-7-1996 the workmen had not rouse dispute in respect of forcible resignation. They had complained of oral termination. Therefore, this tribunal should reject the terms of reference. In the opinion of this tribunal this argument cannot be accepted. It is made clear this tribunal is not referring to notices dated 1st August 1998 addressed to Sumant Sinha (in both the references marked as exhibit -3) for the reason the workmen have not stated on oath that such notices were sent by them and

they are not otherwise admitted by the company. The reasons for this view of the matter are even absence of consideration of W3, are as follows. Section 12 (1) of the Act gives power to the Conciliation Officer to hold "conciliation proceedings" where there is any industrial dispute "exists or is apprehended" under sub section (2) of the Act the Conciliation Officer is required investigate the dispute and all the matters affecting the merits. We are not concerned with sub section (3). The sub sections (4) and (5) of the Act are as follows. The sub section 6 is omitted as it is not relevant.

(2) The Conciliation Officer shall, for the purpose of bringing about a settlement of the dispute, without delay investigate the dispute and all matters affecting the merits and the right settlement thereof and may do all such things as he thinks fit for the purpose of inducing the parties to come to a fair and amicable settlement of the dispute.

(3) Omitted

(4) If no such settlement is arrived at, the Conciliation Officer shall, as soon as practicable after the close of the investigation, send to the appropriate Government a full report setting forth the steps taken by him for ascertaining the fact and circumstances relating to the dispute and for bringing about a settlement thereof, together with a full statement of such facts and circumstances, and the reasons on account of which in his opinion, a settlement could not be arrived at.

(5) If, on a consideration of the report referred to in sub-section (4), the appropriate Government is satisfied that there is a case for reference to a Board [Labour Court, Tribunal or National Tribunal], it may make such reference. Where the appropriate Government does not make such a reference it shall record and communicate to the parties concerned its reasons therefore.

(6) Omitted

A scrutiny of sub-sections 4 and 5 shall reveal that the report of the Conciliation Officer is the foundation of the order of reference. The Conciliation Officer has to consider the Section (2) (k) of the Act for forming his opinion as to existence or apprehension of an industrial dispute. He is requested to investigate the dispute and all matters affecting merits of the dispute. It is primarily for the Conciliation Officer to consider the nature of demand made by the workman against the employer and its denial by him. Any demand made by the workman directly to employer and rejected by him prior to moving the Conciliation Officer as well as any other demand made before the Conciliation Officer and rejected by the employer can form an industrial dispute, if covered by Section 2(k) of the Act. Therefore, it would not be proper to reject the reference on the ground that no demand was made by the workman regarding resignations prior to conciliation proceedings in the

demand letter of the workman. It has not been pleaded that the workman did not raise the demand before Conciliation Officer as per terms of dispute and the company did not reject it. On the other hand in paragraph 10 of both the written statement it is stated that the company made it clear to the Conciliation Officer that workman had alleged forced resignations and a references should be made accordingly. The report of Conciliation Officer was not placed on record. The workmen were not cross examined from the point of view of the disputes raised by them before the Conciliation Officer in order to show that they did not raise such a dispute before him. The representative of the company was not examined. The justification of cases made by the workmen before the Conciliation Officer were not placed on record. The company was bound to place all the materials on record because it was the party which was challenging the terms of reference. In the decision in *Sindhu Resettlement Corporation Ltd. Vs. Industrial Tribunal Gujarat Govt. 1968 ILLJ 834*, the Supreme Court accepted the argument and held as a matter of fact that the demand for re-instatement was given up by the workmen, instead a demand for retrenchment compensation was made. Thus, the finding was that no dispute was raised before Conciliation Officer apart from dispute regarding retrenchment. In the opinion of this tribunal, the exhibit M2 filed in each case by the company accepted the factual position that workmen had claimed that resignation were obtained by force. On the contrary the objection in reply was that such a dispute is not covered by Section 2A of the act and therefore, referable to the tribunal at the instance of the workmen. The company cannot blow hot and cold to suit its argument in face of the adverse facts. Apart from the aforesaid facts it may be noticed that the case *Sindu Resettlement Corporation Ltd. v/s Industrial Tribunal (supra)* did not consider the fact that order of reference could be made when an industrial dispute under Section 2(k) existed or was apprehended. If one of the parties asserts that he or she is entitled to a particular right and the opposite party denies it then an industrial dispute exists. An industrial dispute may be apprehended in the proceedings before the Conciliation Officer. The Conciliation Officer is entitled to consider even a dispute which is apprehended before him. It need not pre-exist before him. He could take note of even apprehension of a dispute because the conciliation proceedings are not adjudicatory proceedings. The proceedings before him are meant for peaceful solution of all disputes in the interests of industrial peace. Therefore, if the report of Conciliation Officer mentions the actual or apprehended dispute, the Central Government gets power refer the dispute to the tribunal. The aforesaid case of *Sindhu Resettlement Corporation (supra)* was considered by the Supreme Court subsequently in the case of *Shambunath Goel vs. Bank of Baroda (1978) ILLJ 484*. It was held that the decision did not consider the question whether an apprehended dispute could be referred by the appropriate Government. Thus,

the decision of the Resettlement Corporation (*supra*) was held to be per incuriam without using the aforesaid term. The authority of that decision is considerably shaken. Recently the case of *Shambunath* was followed in the case of *Utkal Galvanizers (P) Ltd vs. State of Orissa 1995 Lab IC 2277* a Division Bench of Orissa High Court. Thus the preliminary objection raised by the Counsel for company deserves to be rejected from several points of view for the reasons recorded hereinabove.

11. This takes us to the merits of the dispute. Let us examine the case of each workman. The burden to prove that the resignation were obtained on behalf of the company by force or coercion lies upon the workman. Both the workmen have introduced the evidence on this point in their identical affidavits filed by way of examination-in-chief. Therefore, this tribunal summarizes one of the affidavits for the sake of brevity in order to show the initial evidence led by each of them.

12. Sabapati Yadav in CGIT-32 of 1999 has stated that 14-6-1998 that three persons were summoned to the office of the company at Goregaon. They were besides himself A.K. Tripathi and Jawaharlal Mishra. All the three persons met Shri Pravin Bhardwaj (Station Manager) and Shri Sudhir Singh. All the three persons were told orally that their services were no longer required by the company. Thereafter, the resignations all the three persons were obtained under coercion and duress. In order to sustain his assertion. In that such was the case, the workmen referred to the registered letter dated 14-6-1998 and stated that this letter not only records the protest made by three persons but also state that the resignations of each workmen stood withdrawn (The photocopy of the letter has been marked as W7 by this tribunal). The workman stated that he raised a demand dated 22-7-1998 and when there was no response from the company he approached the Central Labour Commissioner, Sion, Mumbai on 3rd August 1998. The Conciliation Officer gave the failure of the Conciliation report on 12th March, 1999 due to non-cooperative attitude of the representative of the company. The workman claimed by letter dated 18-7-1998 his letter of resignation was accepted with effect from 14-6-1998. It was stated that acceptance of resignation with effect from 14-6-1998 by letter dated 8-7-1998 despite the resignation was withdrawn on 14-6-1998 itself amounted to coercion. The acceptance of resignation was nullity. Even otherwise, it amounted to termination of services. It was denied that three drivers had submitted their resignations voluntarily with view to argument their incomes. It was claimed by him that his service record was clear. The workman denied reinstatement with back wages as he could not get any gainful employment after the acceptance of resignation.

13. In cross-examination an attempt was made by the company to elicit admission from him that he went to Goregaon office along with the two drivers directly.

The workman denied this suggestion that he went directly to Goregaon. He explained that he was told by Nandesh Jadhav to go to Goregaon without his presence being worked at Santacruz Airport. The workman stated that Sudhir Singh and Mr. Pravin Bhardwaj forced the three drivers to sign the resignation letters by show of their official superiority and threat. He admitted that he had written the resignation letter marked as M1 in his hand. He denied the suggestion that he was asked by Pravin Bhardwaj and Sudhir Singh to defer the resignation till 30-6-1998. He denied that he demanded the Service certificate on the cause date i.e. 14-6-1998.

14. The affidavit of Jawaharlal Mishra in Ref. CGIT No.34/1999 is to effect that he got pay of Rs.5180/- per month instead of Rs. 5,150/- drawn by Sabhapati Yadav. He claimed to have worked for five years as against the claim of Sabhapati Yadav for four years. The details regarding the happening of 14-6-1998 are identical word for word. The other difference is that the acceptance of resignation of Jawaharlal Mishra was communicated to him by letter dated 17-7-1998. It would therefore only a repetition to summarize the affidavit of Jawaharlal Mishra. This tribunal adopts the summary of the affidavit of Sabhapati Yadav in case of Jawaharlal Mishra as their affidavits are identical so far as the incident dated 14-6-1998 is concerned. This tribunal straight away begins to consider the cross-examination of Jawaharlal Mishra in next paragraph.

15. In the case of Jawaharlal Mishra also an attempt was made by the company to that admission from the witness that the three drivers went to Goregaon directly. The explanation of Jawaharlal Mishra is to the effect that he was on duty at the Santacruz Airport at about 6 A.M. on 14-6-1998. He was sent to Goregaon by Nandesh Jadhav without making him present. He stated that Pravin Bhardwaj and Sudhir Singh were sitting in the office. They obtained document M1 from him which was not written by him. He had merely signed the document M1. He denied that he had written text of the resignation letter. The workman asserted that he was coerced by Sudhir Singh and Bhardwaj to sign the resignation letter in presence of Sabhapati Yadav and Atul Tripathi. All three persons were present at the same time. No reason were given by the Officers who told the drivers that their services were not required. He denied the suggestion that he was told by aforesaid officers to submit the resignation by June, 1998. He denied the suggestion that he had demanded from the Officers that he should be relieved immediately and requested for the certificate.

16. It would now be proper to summarize the affidavit and the cross-examination of Pravin Bhardwaj. The cross examination was made common to both the case although two different affidavits were filed in two case but almost they are identical. The affidavit of Bhardwaj in the case of Sabhapati Yadav is being dealt with hereinafter so also the cross-examination. The affidavit of Mr. Bhardwaj totally

nullifies the suggestion of counsel for the company that these three drivers went directly to Goregaon office without going to Santacruz office. The paragraph 11 of the affidavit says that Pravin Bhardwaj had called the three drivers by asking Nandesh Jadhav to send them at 1 P.M. at Goregaon office on 14-6-1998. It appears from the affidavit that Pravin Bhardwaj stated that he advised the workman to continue till the end of the month but they refused on the ground that they were getting service elsewhere. Thereupon, he accepted the resignation letters by making them as accepted and telling them that officially the resignations shall be accepted by the Head Office at Lucknow. The witness did not say in his affidavit that service certificates were issued to these workmen on the same day. On the contrary the averment in paragraph 19 is that the workmen were informed that it will take some time to settle their accounts as the papers have to be sent to Lucknow for processing. The examination in chief this witness corroborates the two workmen that all the three drivers were present in his cabin along with him and Sudhir Singh.

17. Despite averment in his examination in chief this witness in cross-examination stated initially to the contrary that he had not called the three drivers to Goregaon office. This witness denied his knowledge about letter dated 14-6-1998 written by three drivers addressed to the Commercial Manager and stated that he had seen the same for the first time in this tribunal. Although Bhardwaj said initially that he had read the written statement but he denied subsequently that he had read the written statement. He stated that Manaskumar Mitra had signed the written statement. The witness was unable to say why the facts stated in paragraph 8 of his affidavit were not incorporated in the written statement. He subsequently admitted that he had called the three drivers to Goregaon office. He admitted that moment the three persons had submitted resignations the Airport Authority was informed about their resignations. He had no knowledge about letters of dated 22nd July, 1998. This summary of cross-examination applies to the case of Jawaharlal Mishra too. No other witness was examined for the company.

18. This tribunal is of the opinion that workmen had established that at the head office of the company at Goregaon the workmen were summoned by Pravin Bhardwaj. The company took a false stand by trying to establish in cross-examination of the workmen that they went voluntarily to Goregaon office. The company failed to examine Nandesh Jadhav to prove that the workmen had expressed their desire to resign. An adverse inference can be drawn against the company and statement of the workmen has to be accepted that Nandesh Jadhav had directed them to meet Pravin Bhardwaj without assigning any reason. There is not an iota of evidence led by the company directly for proving that workmen had desired to quit prior to the day they were called at Goregaon office through Nandesh Jadhav. Therefore the evidence of

workmen has to be weighed against that of hearsay evidence of Pravin Bhardwaj. This witness appeared to be most unreliable to this tribunal both by his demeanour and the content of his statement in cross-examination. It is surprising that witness casually stated in his evidence that he had not read the written statement before entering the witness box. He appears to have implied that Manas Kumar Mitra had signed the written Statement and verified its contents without any knowledge about the events that happened on 14-6-1998 in his office as he was not present there. The witness shifted from one statement to another. At one place he says that he did not call three drivers at Goregaon office and then subsequently changed his version and admitted that workmen were called by him. This was the statement made by him in his affidavit. The witness said that he was the administrative and the operational head and yet denied any knowledge of letter dated 14-6-1998, which he admitted to have been received in the office on 17-6-1998. In paragraph 9 of the written statement the letter dated 14-6-1998 written by the workmen was referred to by the company itself. This witness could not have deposed contrary to pleadings of the company by taking recourse to strange statement that Manas Kumar Mitra had signed the written statement and the fact that he had not read written statement even before entering the witness box. The inevitable conclusion that has to be drawn from the conduct of this witness that he is going out of his way to depose falsely with a view to justify his action. The witness went on to suggest that information given in the written statement was not given by him. It is difficult to believe that while drafting the written statement the company shall not involve him for ascertaining true facts. It is crystal clear that he was the star witness of the company because undisputedly the resignations letters were submitted to him.

19. It would be appropriate at this stage to consider the argument advanced on behalf of the company. A pedantic attempt was made by calling out different shades of meanings of the words "force" "coercion" and "duress". It is not necessary to go to various shades of meaning of these words as the problem is not that of interpretation of statute. In the pleadings of the parties their ordinary and natural meaning have to be considered. What do you mean when you obtain a writing by force? The use of the force is wide enough to include the apprehension of force. If a person does something under apprehension of force, he does not do so of his own free will. The same can be said of duress. A man is said to be under duress when he feels pressured. The force applied here may not be physical. It could be mental or psychological. The use of the word coercion implies a compulsion to do something which a person is not ordinarily willing to do. Sometimes facts speak for themselves; more than words. The conduct of a person exposes the falsehood with which he has surrounded himself. So Pravin Bhardwaj with a view to suppress truth

went on to state one falsehood after another. The workmen discharged their burden by making the statement in examination in chief and were not in any way upset in cross-examination. The onus shifted on the company and it failed to discharge it. The decision of the learned single judge of M.P. High Court in the case of Mills vs. Babu 79 FLR 514 correctly says that burden of proof was on workman. In that case, however, the workman did not discharge the burden and his conduct showed otherwise. This case does not help the company for proving its case on the testimony of Pravin Bhardwaj. It is true that Sudhir Singh was also present but he has not been examined. This tribunal, therefore, comes to the conclusion that Mr. Pravin Bhardwaj had tried to suppress the truth in this matter and he cannot be relied upon for saying that resignations were given by Sabhapati Yadav and Jawaharlal Mishra of their own free will. The version of the two drivers that they were willy-nilly coerced to sign the resignation letters is acceptable. All persons cannot maintain equanimity and the presence of mind in presence of superior authorities. They may succumb to pressure under verbal threat and humiliation that appears to have happened in this case. This conclusion appears to be supported by the immediate conduct of the workmen. They went to their Union leader for advice and immediately wrote back a letter on the same day signed by all three of them addressed to the Commercial Manager (Ex. W7) in both the references saying that the resignation were obtained forcibly after telling the workmen that their services were no longer required. These letters are sufficiently contemporaneous to lend support to version of the workmen. Moreover, the version of company within to the effect that workmen submitted their resignations because they wanted to relieved immediately is belied by its own evidence. Mr. Bhardwaj had said that the workmen could not be given their service certificate etc. as resignation were to be accepted by the head office at Lucknow. How could the workmen accept that position, if they wanted to join some other employer forthwith. That is what was the core reason for seeking immediate resignations. Moreover, the exhibit MI CGIT-32/1999 dt. 14-6-1998 written by Sabhapati Yadav does not say that he wanted to resign with immediate effect. The same is to the effect the exhibit MI in CGIT-34 of 1999 in case of Jawahar Mishra. Therefore, preponderance of probabilities point out that the two drivers were forced to submit their resignation along with A.K. Tripathi. The version of these drivers are acceptable that they were told by Mr. Pravin Bhardwaj and Sudhir Singh that their services were no longer required. The evidence of Pravin Bhardwaj show that he was not authorized to accept the resignation. Then how could he treat the resignations of the workmen operative from 14-6-1998 and inform the Airport Authority. How could he relieve the workmen on 14-6-1998. His positive action shows that he did not want the workmen to continue after 14-6-1998. It may be pointed out that Shri. Pravin Bhardwaj had admitted in cross-examination

that Sabhapati Yadav was a Senior driver having worked for four years. Although he was not asked this question about position of Jawaharlal Mishra but his tenure of five years is not in dispute and it can be said that he too was a Senior driver.

20. There is another aspect of the matter which may also be considered for holding that the resignation was accepted by suppression of true facts. This tribunal has already held that the terms of reference are wide enough entitling it consider if the acceptance of resignations of Sabhapati Yadav on 18-7-1998 and that of Jawaharlal Mishra on 17-7-98 could be held to be good and valid. It is not disputed before me that Pravin Bhardwaj was not authorised to accept the resignations. It follows that by merely submitting the resignations the workmen could not be deemed to have resigned. It appears that Pravin Bhardwaj did not tell workmen that he could not accept the resignations. On the other hand, he informed the Airport Authority that workmen cannot be permitted to enter the security zone. Under what authority did he do so? The submission of a resignation does not legally end the contract. It has to be accepted and the workmen has to be relieved of their duties by the competent authorities. It is well established that prior to acceptance of resignation a workman can withdraw the resignation. In this case the workman precisely did that on 14-6-1998. They were entitled to change their mind even if they had submitted their resignation voluntarily prior to communication of the acceptance of the resignations. The receipt of exhibit W7 dated 14-6-1998 by the Commercial Department of the companion 17-6-1998 has not been disputed. There is no explanation given by the company why the aforesaid document was not placed before the authority accepting the resignation. There was element of suppression of truth in absence of the allegation this letter was placed along with the letters of resignation. In any case so far as the workmen are concerned, they had withdrawn the resignations. Even if we assume that these resignations were voluntary, then also suppression of letter dated 17-6-1998 written by the three workmen goes to show that there was an element 'coercion' used against the workmen in obtaining the acceptance of resignations from the competent authority. Here the competent authority was driven into passing of wrong order because fraud was played upon it. Otherwise, the orders dated 18-7-1998 and 17-7-1998 would have shown that this letter was considered. Even otherwise the resignations were withdrawn before acceptance and consequently the orders accepting resignations are bad in law. This tribunal is firmly of the view that resignations could not be accepted with retrospective date and Pravin Bhardwaj had no authority not to allot the workmen with work till resignations were accepted.

21. The next question that has to be asked to what relief these workmen are entitled in law? This tribunal is of the

view in either case the resignation of the workmen were bad in law. In other words the order dated 18-7-1998 exhibit W-8 in CGIT-32/1999 Sabhapati Yadav and order dated 17-7-1998 are deduced as bad in law. Once this conclusion is reached then question arises if the workmen are entitled to reinstatement as a matter of law. These are not the cases of termination of services of workmen by the company. This tribunal has found as a matter of fact that resignations dated 14-6-1998 exhibit M2 in each reference were obtained by Pravin Bhardwaj and Sudhir Singh under show of force or coercion and duress. It is well established that normally a resignation letter is a request by the workman for voluntary retirement and it is not covered by definition of 'Retrenchment' under section 2(oo) of the Act. It comes within exception 2(a) of the aforesaid definition. In J.K. Cotton Spinning and Weaving Mills Ltd. Vs. State of U.P. 1990 Lab IC 1517 the Supreme Court held that voluntary resignations submitted by the workman would be covered by the exception to 2(s) of U.P. Industrial Disputes Act 1947 wherein the case of voluntary retirement is excluded from the definition of retrenchment. It may be noticed that section 2(oo) of the Act and 2(s) (ibid) are *in pari materia*. However, in this case the resignations were accepted by the Competent Authority at Lucknow on the basis of resignations letters dated 14-6-1998 in each case. The competent authority had therefore, no intention to retrench the workman. Therefore, it can not be said by accepting the two resignation letters the competent authority wanted to terminate the services of workmen. In the opinion of this tribunal the acceptance of resignation by letters dated 18-7-1998 (Exhibit W-8 in case of Sabhapati Yadav) and 17-7-98 (Exhibit W-5 in case of Jawaharlal Mishra) would be void *ab initio* for the reasons the workmen had not submitted resignation letters voluntarily. They shall be deemed to be in service from the date of acceptance of resignations, i.e. from 14-6-1998. This conclusion is further strengthened by the alternative finding recorded by this tribunal that acceptance of resignations by orders dated 18-7-1998 and 17-7-1998 is bad in law because the workman had withdrawn the resignations before they were accepted by the competent Authority. The workmen had full authority to withdraw the resignations before communication of acceptance. There are number of decision of supreme court and the various High Court regarding above proposition of law. See Rajkumar vs. Union of India AIR 1969 SC 180 Union of India vs. Gopal Chand Mishra AIR 1978 SC 694 Ramesh Kumar vs. State of UP 2002 I CLR 264 Lalit Mohan Upadhyay vs. Principal Kumar Engineering College 2000 Lab IC 1871. The learned counsel for the company did not dispute that this proposition of law will be applicable if it was held by this tribunal that it was permissible to consider the withdrawal letter dated 14-6-1998 sent by the workmen involved in both the references. None of the ten authorities cited by him refer to this aspect of the matter. Consequently, this tribunal is of the view that there is no question of reinstatement.

The workmen shall be deemed to be in service with effect from 14-6-1998 itself. They shall be entitled to all the consequential benefits.

22. Although this tribunal has taken the view that the orders accepting the resignation were *void ab initio* it would be proper to consider alternatively the legal effect of the action of the company as if its action amounted to termination of services of the workmen without payment of retrenchment compensation from the point of view wages payable to workmen if this award of the tribunal in the alternative could be treated as if it has set aside illegal terminations of the services of the workmen owing to fact their resignations were obtained under duress and coercion with a view to give legal colour to the termination of services. The result would be that the workmen shall be entitled to reinstatement. Next question is if they are entitled to back wages. This tribunal has already indicated that the workmen appear to have been compelled to submit resignations. If this finding be correct then workmen are entitled to back wages and this tribunal shall grant them entire back wages if they were not gainfully employed. Both the workmen in their respective affidavits had stated they were not gainfully employed. Sabhapati Yadav has stated in his cross-examination that he was doing odd jobs for milk men Rajnath Yadav who live near by his house. He was working for him and it was he who was providing him with food and clothes. He denied that he was employed as a driver though he admitted to have possessed licences for heavy vehicles. Jawaharlal Mishra also stated that he was jobless. He lived on the largesse of joint Hindu Family which was running a dairy. He stated that he had applied for job to several persons including Gundicha company but did not get any job. He denied that he was employed as a driver and that he plied a Tourist vehicle. Pravin Bhardwaj in his affidavit in paragraph 28 in the case of Sabhapati Yadav stated that the aforesaid workman was gainfully employed as he conducted a PCO centre. So far Jawaharlal Mishra was concerned, Shri. Pravin Bhardwaj stated in the affidavit filed in his case in para 27 of his affidavit that Jawaharlal Mishra was running a lottery shop. These two statements are contrary to the questions put to the workmen in cross examination. Neither Sabhapati Yadav nor Jawaharlal Mishra was given an opportunity to explain in a witness box regarding the above professions adapted by them after their resignations. To top it all, this witness stated in his cross examination that he had no idea whether these workmen were working elsewhere. This tribunal therefore, holds that company tried to introduce false evidence so far as the gainful employment of workmen is concerned. This tribunal holds that the workmen are stating a fact when they say they were without any regular jobs. It is true that considerable time has elapsed and the workmen cannot sit

idle for such a long time. It has been ingeniously argued that this tribunal should take judicial notice of the aforesaid fact. However, this tribunal considers this argument as merely clutching at straws. The company has failed to successfully counter the core issue that workmen were not gainfully employed. This tribunal therefore, holds that the workmen have proved in all probability that they went not gainfully employed. Looking to way the workmen were treated, this tribunal in exercise of its discretion, shall grant full back wages to the workmen along with reinstatement and all other consequential benefits on the basis that workmen were deemed to be service from 14-6-1998.

23. Before parting with the case this tribunal finds that the company had filed a list of ten cases (i) Sitaram Vishnu Sherelekar vs. Administrator, Govt. of Goa, 1985 (I) LLJ 480 (ii) Hira Mills vs. Babin 79 FLR 574, (iii) Kallingan vs P.S.G.College, 1981 Lab IC 189, (iv) Municipal Committee Vauru vs. Harpal Singh 1998 SCC 635, (v) Fire stone Tyre rubber Co. of India (P) Ltd vs. Employees AIR 1981 SC. 1626, (vi) Pottery Mazdoor Panchayat vs. Perfect Pottery 1979 Lab IC 827, (vii) M/s. Tourism Development Corporation vs. Delhi Administration, (viii) Ganshanker Chaterjee vs. Tax Mao Ltd (2001) 2 S.C. C.257, (ix) M/s. Britannia Industries Ltd. vs. Eighth Industrial Tribunal 1995 Lab IC NOC 145, (x) Sindhu Resettlement Corporation Ltd. vs. Industrial Tribunal. Out of the cases cited on behalf of the company, some have been referred in the main body of the award. The rest of the rulings were found to be not applicable after close scrutiny. They have not been referred to because they were not relevant.

24. The result of the aforesaid discussion is that the reference answered by saying that it would be proper to conclude that the workmen Sabhapati Yadav and Jawaharlal Mishra were coerced to give resignations on 14-6-1998. The act of the management was illegal and unjustified. Apart from that the acceptances of resignations of Sabhapati Yadav by letter dated 18-7-1998 (Exhibit W8 in Reference No. CGIT-32 of 1998 and that of Jawaharlal Mishra by letter dated 17-7-1998, (Exhibit W8 in Reference CGIT-34 of 1997 was totally illegal because both of the workmen had withdrawn their resignations on 14-6-1998 and they shall be entitled full back wages and other consequential benefits. In the alternative for some reason if it is held that orders accepting the resignations are in fact the letters of termination of services then also this tribunal awards reinstatement and the back wages to the workmen. The workmen, shall be given same post they were holding and also all the consequential benefits flowing from the reinstatement with effect from 14-6-1998 and the backwages.

S. C. PANDEY, Presiding Officer

नई दिल्ली, 11 जुलाई, 2003

का. अ. 2281.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II, धनबाद के पंचाट (संदर्भ संख्या 38/1991) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-7-2003 को प्राप्त हुआ था।

[सं. एल-20012/42/96-आईआर(सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 11th July, 2003

S.O. 2281.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 38/91) of the Central Government Industrial Tribunal II, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 9-7-2003.

[No. L-20012/42/96-IR (C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section
10(1)(d) of the I.D. Act, 1947.

REFERENCE NO. 38 OF 1991

PARTIES:

Employers in relation to the management of
Amlabad Colliery of M/s. B.C.C.L. and their
workman.

APPEARANCES:

On behalf of the workman : None

On behalf of the employers : Shri H. Nath, Advocate

State : Jharkhand Industry : Coal.

Dated, Dhanbad, the 2nd June, 2003

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/42/96-IR(C-I), dated the 12th March, 1997.

SCHEDULE

“Whether the action of the management in not promoting Sri Lakshman Modi to Grade-A as Senior Overseer w.e.f. 1-7-1989 is justified? If not, to what relief is the concerned workman entitled?”

2. The case of the management in brief is as follows:—

They submitted that the concerned workman Lakshman Modi joined at Amlabad colliery on 29-6-89 on transfer from Kusunda Area and he was upgraded from Technical Supervisory Grade-B to Grade-A S.C.W. with effect from 1-7-89. They alleged that knowing fully well of the fact the sponsoring Union vide letter dt. 24-11-94 raised an Industrial Dispute before the ALC(C) Dhanbad alleging non-promotion of the concerned workman from Overseer Grade-B to Grade-A Senior Overseer from 1-7-89. They submitted that promotion of any workman has to be guided by the cadre scheme subject to availability of cadre post. They submitted that the demand of the workman/union for promotion of the concerned workman to Grade-A as Senior Overseer with effect from 1-7-89 is unjustified and illegal and for which he is not entitled to get any relief.

3. Though the sponsoring union of the concerned workman raised Industrial Dispute for conciliation before the ALC(C) Dhanbad and though ultimately resulted reference to this Tribunal for adjudication of the dispute in question neither the sponsoring Union nor the concerned workman considered necessary to submit any W.S. in support of their claim inspite of issuance of repeated notices. Accordingly, the instant Reference case was taken up for exparte hearing.

4. The points to be decided in this reference are:—

“Whether the action of the management in not promoting Sri Lakshman Modi to Grade-A as Senior Overseer w.e.f. 1-7-1989 is justified? If not, to what relief is the concerned workman entitled?”

FINDINGS WITH REASONS

5. The record speaks clearly that after receipt of the instant reference from the Ministry for the adjudication several notices were issued to the concerned workman for causing his appearance and to submit W.S. in support of his claim but the attempts taken so far became fruitless as the concerned workman/sponsoring union did not consider necessary to take any step regarding the notices issued.

6. On the contrary management after causing their appearances submitted W.S. on their behalf though it was not signed duly by the appropriate authority. It has clearly exposed how vigilant the management is in the matter of defending their own case. However, as the sponsoring union/concerned workman failed to appear the reference in question was taken up for exparte hearing. Here the point for consideration is whether the action of the management in not promoting the concerned workman to Grade-A as Senior Overseer w.e.f. 1-7-89 was justified or not. MW-1 during his evidence disclosed that the concerned workman got his promotion in Grade A with effect from 1-7-89 and at present as Engineering Assistant

(Civil) in Grade A and which is higher than the post of Grade A with effect from 1-1-97. The order issued by the management relating to fixation of the concerned workman in Grade A + with effect from 1-1-97. I was marked as Ext. M-1 while the order relating to Seniority list of Senior Civil Overseer working at different collieries was marked as Ext. M-2. The witness further disclosed that the concerned workman has got his promotion in Grade-A with effect from 28-7-76. Disclosing this fact the witness submitted that the claim of the concerned workman is absolutely unjustified.

7. Therefore, according to the submission of the management the concerned workman not only got his promotion in Grade-A prior to the date of his claim according to Industrial dispute raised by the sponsoring union but also by this time has got his higher promotion. The record speaks clearly that the sponsoring Union/Workman have got ample scope to make his submission in support of their claim but he has grossly misused the same.

At this stage no incriminating material is forthcoming before this Tribunal to show that the order which the management issued in favour of the concerned workman relating to his promotion to higher grade are false and not binding. In the circumstances I do not find any reason to disbelieve the contention of the management. The claim of the concerned workman in view of the fact and circumstances discussed above finds no merit.

In the result, the following Award is rendered :—

“The action of the management in not promoting Sri Lakshman Modi to Grade-A as Senior Overseer w.e.f 1-7-89 is justified. Consequently, the concerned workman is not entitled to get any relief.”

B. BISWAS, Presiding Officer

नई दिल्ली, 11 जुलाई, 2003

का. आ. 2282.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को.को.लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-I, धनबाद के पंचाट (संदर्भ संख्या 63/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-7-2003 को प्राप्त हुआ था।

[सं. एल-20012/1/96-आईआर (सी-1)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 11th July, 2003

S.O. 2282.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.63/97) of the Central Government Industrial Tribunal -I, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 9-7-2003.

[No. L-20012/1/96-IR (C-I)]

S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference U/S. 10(1)(d)(2A) of I.D. Act, 1947.

Reference No. 63 of 1997

PARTIES: Employers in relation to the management
of Bhowra O.C.P. of M/s. B.C.C. Ltd.

AND

Their Workman.

PRESENT: Shri S.H. Kazmi, Presiding Officer

APPEARANCES :

For the Employers : None.

For the Workman : None.

State : Jharkhand Industry : Coal

Dated, the 26th June, 2003

AWARD

By Order No. L-20012/1/96-IR(C-I) dated, the 5th March, 1997 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Bhowra OCP of M/s. BCCL in dismissing Shri Gupteshwar Singh, Dozer Operator is justified? If not, to what relief is the concerned workman entitled?”

2. It appears from the record that pursuant to registration of this reference in this Tribunal on 17-3-1997 till date neither any appearance has been made on behalf of the workman nor even the written statement has been filed as yet. Notices were repeatedly sent for the aforesaid purpose and several adjournments were granted to enable the workman/union to appear and take necessary steps, but at no stage anyone appeared and the position always remained the same. On the last date, it appears, a fresh notice under registered cover was sent to the concerned workman/union in the aforesaid regard, but that also proved to be of no avail as today again there is no one present on behalf of the workman to attend the case or to make any submission whatsoever.

It is thus evident from all the aforesaid that the person aggrieved or the person at whose instance the present case has been referred to this Tribunal has lost interest and does not want to pursue the dispute or the present cases any further otherwise there does not appear to be any reason for leaving this case un-attended. Anyway, whatever may be the reason, considering all the aforesaid developments, in my view, it would be sheer wastage of time and also would be needless to allow this case to remain pending any further.

This reference, as such, stands finally disposed of.

S. H. KAZMI, Presiding Officer

नई दिल्ली, 14 जुलाई, 2003

का. आ. 2283.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनियन बैंक ऑफ इण्डिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या 7/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-7-2003 को प्राप्त हुआ था।

[सं. एल-12012/179/2001-आईआर(बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 14th July, 2003

S.O. 2283.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 7/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Union Bank of India and their workman, which was received by the Central Government on 14-7-2003.

[No. L-12012/179/2001-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -
CUM-LABOUR COURT

LUCKNOW

PRESENT

Shrikant Shukla

Presiding Officer

I.D. No. 7/2002

Ref. No. L-12012/179/2001/IR (B-II) dated 5-4-2002

BETWEEN

Vikas Kumar S/o Sh. Charan Singh

House No. 188, Prabhat Nagar, Near I.T.I.,

Meerut (U.P.)-250001

AND

The Chief Manager, Union Bank of India Begum Bridge
Road, 1st Floor, In Front of Rajkia Inter College, Meerut
(U.P.)-250001

AWARD

Bharat Sarkar Shram Mantralaya, Ministry of Labour,
New Delhi vide their Order No. L-12012/179/2001/IR (B-II)
dated 5-4-2002 has referred following reference for
adjudication to this Tribunal :

“Whether the action of the management of Union
Bank of India, Meerut in terminating the services of
Shri Vikas Kumar S/o Sh. Charan Singh, Casual
Labour/Peon w.e.f. 1-9-1999 is Legal and justified?

If not, to what relief is the concerned workman
is entitled to ?”

The workman filed the statement of claim on 8-5-2002. The management also filed the written statement on 3-9-2003. After filing the statement of claim the workman started absenting on the dates fixed for hearing i.e. 3-9-2002, 8-10-2002, 29-10-2002, 23-12-2002, 24-2-2003, 28-3-2003, 28-4-2003, 28-5-2003 and 30-6-2003. The workman did not file the evidence by the way of affidavit or otherwise nor filed any documentary evidence. The opposite party also has not filed evidence in support of case in spite of due order and sufficient time provided to the management. Therefore, there is no option left to proceed with the reference to the court for adjudication.

The workman has filed statement of claim that the SSB Branch of the Union Bank of India started functioning 17-1-1998 and the workman, Vikas Kumar was appointed on 28-3-1998 by the manager of the bank. It has also been alleged that worker continued to work till 1-9-1999 in the said branch of the bank. It is also alleged that when the worker reached the bank on 1-9-1999 the branch manager of the bank told him that his services were no more required and his services were therefore terminated. The allegation of the worker is that before his termination on 1-9-1999, he continuously worked on the post of permanent peon w.e.f. 28-3-1998. He also alleged that he was paid Rs. 50/- per day as remuneration instead of Rs. 6200/- per month. The worker has alleged that vide his letter dated 21-11-99, he requested the opposite party to reinstate him on the post of peon but vide letter dated 24-2-2002 the opposite party refused to reinstate him. It is also alleged that vacancy still exists in the said branch and the opposite party is employing a junior worker in his place. It has been alleged that termination of the worker is unjustified and illegal therefore, he sent a notice on 16-10-2000 through his advocate but the defendant party refused to take him back in service. It is therefore, requested that he be reinstated with back wages.

The opposite party in its written statement has denied the contents of statement of claim. It is stated that contents of claim statement are totally false, wrong and concocted hence are denied empathitically. It is stated that the worker was never appointed in any capacity by the opposite party bank; therefore, the worker is not entitled to any relief. In additional plea it is stated by the bank that it is an undertaking of Government of India and it got its rules for appointments of peons. No appointment of peon can be made otherwise than by complying with these rules. In the matter of clerical/subordinate staff, Branch Manager is not the appointing authority. It has also been stated that since the worker was neither actually appointed nor his alleged employment was in accordance with rules, question of illegal termination of service does not arise for determination,

It was to be proved by the worker that he was appointed as permanent peon on 28-3-1998. The worker has also not proved that he sent any letter on 21-11-1999. The worker has also failed to prove that he sent any notice through his advocate on 16-10-2000. The worker has failed to prove that he had been appointed in S.S.B. Branch since 28-3-1998 and he was terminated on 1-9-1999. Therefore, there is no question of termination of service of workman regarding its legality or its justification. Therefore, the worker is not entitled to any relief as prayed for. The reference is accordingly answered.

30-6-2003

Lucknow SHRIKANT SHUKLA, Presiding Officer
नई दिल्ली, 14 जुलाई, 2003

का. आ. 2284.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ बरोदा के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 9/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-7-2003 को प्राप्त हुआ था।

[सं. एल-12011/21/2001-आईआर(बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 14th July, 2003

S.O. 2284.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.9/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workman, which was received by the Central Government on 14-7-2003.

[No. L-12011/21/2001-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT AT

HYDERABAD

PRESENT

Shri E. Ismail

Presiding Officer

Dated 31st October, 2001

INDUSTRIAL DISPUTE No. 9/2001

BETWEEN

Bank of Baroda Employees Union,
Khairatabad Branch,
Saifabad, Hyderabad.

: Petitioner

AND

The Regional Manager,

Bank of Baroda Regional Office,
AP-I, Basheer Bagh,
Hyderabad.

: Respondent

APPEARANCES:

For the Petitioner: Shri K. Rama Reddy, Advocate

For the Respondent: Shri T. Vishwanadha Sastry,
Advocate**AWARD**

The Government of India, Ministry of Labour by its Order No. L-12011/21/2001-IR(B.II) dated 30-4-2001/8-5-2001 referred the following dispute under Section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the employers in relation to the Management of Bank of Baroda and their workman. The reference is:

SCHEDULE

“Whether the action of the management of Bank of Baroda, Guntur to impose the punishment of withdrawal of special allowance and stoppage of one increment with cumulative effect on Shri P. Ramaiah, Head Cashier, Bank of Baroda, Guntur branch is legal and justified? If not, what relief is the applicant entitled to?”

2. The following claim statement was filed that Sri P. Ramaiah is working with the respondent Bank since 1979, the respondent bank charge sheeted Sri P. Ramaiah for certain alleged actions and has awarded huge punishment. He was charge sheeted on 8-8-1997 of various charges like indecent behaviour, willful in subordinates, willful slowing down, misbehaviour towards customers, negligence of work and negligence in performing duties, breach of rules and instructions for running cash department, collecting money from customers, failing to show proper courtesy and doing acts prejudicial to the interest of the Bank that enquiry was conducted which was vitiated on various grounds and the charges were not proved. It is alleged that there was a cash shortage of Rs. 26,000/- and he made this up by a cheque of a customer for Rs. 26,000/-. Actually, it is not so, it was paid to the customer. That he has put in 22 years of service and he has been discharging his duties diligently. He was unnecessarily been held guilty and it is prayed that the orders passed by disciplinary/appellate authority may be quashed.

3. A counter was filed stating that the charges were specific and an enquiry was conducted. Sri P. Ramaiah was given ample opportunity to put forward his case before the Enquiry Officer. The charges were proved keeping in view of the principles of natural justice. The petitioner is making lame excuse to cover his lapse that refer to cash shortage of Rs. 26,000/- but the finding of the Enquiry Officer is not perverse. Hence, the petitioner is not entitled to any relief.

4. This tribunal by an order dated 28th August, 2001 held that the domestic enquiry held is valid. Once having held so, the only question that arises is of whether the

punishment awarded is commensurate with the guilt of the petitioner. The Learned Counsel for the petitioner argued that the petitioner is still continued as Chief cashier. If really the Bank had no confidence in the petitioner then they should not have taken the work from him of Cashier. Charges are framed against the employee, when the other Cashier had cash shortage. So that main charge itself does not pertain to him. The charge sheet is not specific and totally vague. The Disciplinary Authority was determine to award a punishment to the petitioner and hence specific enquiry Officers named in the charge sheet itself. Therefore the same may be set aside.

5. The Learned Counsel for the respondent argued that witnesses were examined in the presence of the petitioner and the petitioner had a defence representative Mr. K. Ram Reddy. Witnesses have been cross-examined, the charged employee not only examined himself but 3 more witnesses, hence, the charges are proved. And therefore, he is not entitled for any relief.

6. It may be seen that in the enquiry the shortage cash was depoted in the examination of Mr. Raja Rao, MW3 that the shortage was met by depiting suspense amount. However, he himself says that Sri Ramaiah is honest and sincere worker. And about the shortage of Rs. 26,000/- it has been made up. Therefore, some misbehaviour is proved. The department has already taken a lenient view and there was stoppage of one increment with cumulative effect. I am sure that this punishment is required so that he will be careful in future. However, withdrawal of special allowance beyond a certain period is not desirable because he is still discharging the duties of the Head Cashier. Therefore, the reference is ordered as follows; The stoppage of special allowance paid to the Head Cashier Sri P. Ramaiah of the Bank of Baroda, Guntur branch is restricted till June, 2002 and the Bank shall pay Ramaiah the Head Cashier the special allowance from 1st July, 2002. However, the stoppage of one increment with cumulative effect is hereby confirmed. Reference ordered accordingly and transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected by me on this 31st day of October 2001.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL
Documents marked for the Petitioner/Union	NIL
Documents marked for the Petitioner/Union	NIL

नई दिल्ली, 14 जुलाई, 2003

का. आ. 2285.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओरियन्टल इन्शोरेंस कम्पनी लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके

कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-II मुम्बई के पंचाट (संदर्भ संख्या 2/60/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-7-2003 को प्राप्त हुआ था।

[सं. एल-17012/43/99-आई.आर. (बी-II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 14th July, 2003

S.O. 2285.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.2/60/2000) of the Central Government Industrial Tribunal-cum-Labour Court-II Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Oriental Insurance Co. Ltd., and their workman, which was received by the Central Government on 14-7-2003.

[No. L-17012/43/99-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 MUMBAI

PRESENT :

Shri S. N. SAUNDANKAR

Presiding Officer

REFERENCE NO. CGIT-2/60 of 2000

EMPLOYERS IN RELATION TO THE
MANAGEMENT OF ORIENTAL INSURANCE
CO. LTD.

The Regional Manager,
Oriental Insurance Co. Ltd.,
Mumbai Regional Office No. II,
Oriental House,
7, J. Tata Road,
Mumbai 400020.

V/s.

THEIR WORKMEN

The Joint Secretary,
General Insurance Employees Union (WZ),
Western Zone,
232, Dr. D. N. Road,
Mumbai-400001.

APPEARANCES :

For the Employer : Mr. V. Narayanan, Advocate

For the Workmen : Mr. S. A. Mhatre, Advocate

Mumbai, dated 9th May 2003

AWARD

The Government of India, Ministry of Labour by its
Order No. L-17012/43/99/IR(B-II) dtd. 16-6-2000 in exercise

of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication;

“Whether the claim of the General Insurance Employees Union for regularisation of service of Shri Bhikhalal Upadhyay as Security guard by the management of Oriental Insurance Co. Ltd. Regional Office, Mumbai is legal and justified? If not, what relief is the disputant entitled to?”

2. Vide Statement of Claim (Exhibit-3) General Insurance Employees Union pleaded that one Bhikhalal Upadhyay is running a canteen in the office of Mumbai City Divisional Officer No.4, Gresham House, Sr. P.M. Road, Mumbai since more than ten years. It is averred that since beginning said Upadhyay was allotted the work of opening and closing the office premises, watch and ward the premises and cleaning the office furniture, and that Upadhyay had repeatedly demanded his wages for the work but then company did not pay except giving assurance. It is averred that when Upadhyay insisted for the payment, company started giving him regular monthly payment by voucher from the year 1995. It is averred on 21st April '97 Upadhyay had requested the Divisional Manager for regularising him in service, however by calling in chamber he was threatened. It is pleaded though Upadhyay worked for ten years i.e. more than 240 days and had been paid wages by vouchers, has not been regularised by the company. According to Union though the company regularised many Security Guards, Security Supervisors in similar cases but Upadhyay has not been regularised and thereby discriminated him. therefore, Union contended that the company be directed to regularise Upadhyay in service as Security Guard/Watchman.

3. Management Oriental Insurance Company Ltd. Mumbai resisted the claim of union by filing Written Statement (Exhibit-5) contending that Upadhyay is self-employed and a business man and certainly not an employee/workman. It is pleaded that Upadhyay was not engaged by the company through any contractor or contract nor he did any work on full time or part time basis on any day and that, he being a regular full time tea vendor for catering tea service, question of his regularisation does not arise. Company denied that Upadhyay worked in the company at any time more than 240 days in a year. It is contended since employer-employee relationship does not exist at any point of time, Upadhyay has no locus to claim any relief through the union consequently, and question of discriminating him as averred in the claim is out of question. The company, therefore, contended the union's claim being devoid of substance be dismissed with costs in limine.

4. By the Rejoinder (Exhibit-13) union reiterated the recitals in the Claim Statement denying the averments in the Written Statement.

5. On the basis of pleading issues were framed at Exhibit-12 and in that context Upadhyay filed affidavit in lieu of Examination in Chief (Exhibit-21) and that union examined retired employee of the Insurance Company viz. Ramesh S. Bavisi (vide Exhibit-27) and the employee Shri Sawant (Exhibit-28) and the union closed oral evidence vide purshis (Exhibit-29). In rebuttal, Manager of the Company Mr. Gopalakrishnan filed affidavit (Exhibit-30) and the management closed oral evidence vide purshis (Exhibit-40).

6. Union filed written submissions along with copies of rulings (Exhibit-41) and the management company (Exhibit-42). On perusing the record as a whole and the written submissions and hearing the counsels for both sides. I record my findings on the following issues for the reasons mentioned below:

Issues	Findings
1. Is it proved that Shri Bhikhalal Upadhyay continuously worked for 240 days in a year?	No.
2. Whether the claim of the General Insurance Employees Union for regularisation of service of Shri Bhikhalal Upadhyay as Security Guard by the management Oriental Insurance Co. Ltd. is legal and justified?	Not legal nor justified.
3. What relief Shri Bhikhalal Upadhyay is entitled to?	As per order below.

REASONS

7. According to Upadhyay since 1992 he is working as Security Guard cum Watchman and in addition to that he is cleaning the premises and furniture of the office of Insurance Company at City Division Mumbai however till 1995 he was not paid any wages however, when he insisted for the payment, management started giving him regular monthly payment by vouchers and in the year 1998 when he requested the Chairman to regularise him in the service of the company he was threatened. He disclosed further that company did not regularise him though many Security Guards, Security Supervisors in similar cases were regularised and thereby he has been discriminated. Company denied that Upadhyay was ever in the employment of the company and according to the company, employer-employee relationship does not exist, consequently his regularisation does not arise. It is significant to note that union in their opening lines of Statement of Claim pointed out that Upadhyay is running canteen in the office of the Insurance Company and that Upadhyay himself in cross-examination para 10 clearly admitted that since 1992 till to date he is running a canteen. At this juncture, the Learned Counsel for the company submits that Upadhyay being a self employed businessman is certainly not an employee of the company. One

cannot work at a time in the company and as a tea vendor. So far the work of Upadhyay said to have been done, in the first breath he states that he was doing work of Security Guard/Watchman however in the second breath he deposed that he is not aware on the work of Security Guard/Watchman. He admittedly does not possess any document to show that he really worked in the company. If Upadhyay worked as Security Guard cum Watchman, must be able to state his duties in detail, however that is wanting. A retired employee of the company the then Secretary of the Employees Union Mr. Bavisi by entering in the witness box pointed out that Upadhyay was closing and opening the office, cleaning and keeping the files properly however in his cross-examination para 3 he disclosed that Upadhyay was simply supplying tea to the staff members and for the work of opening and closing the office there was other staff. The employee of the company Mr. Sawant disclosed that in addition to closing the office, he was arranging the files during the office hours 10.00 a.m. to 5.30 p.m. however he had to admit that Upadhyay was canteen contractor and presently also he is a canteen contractor, which clearly indicates that theory of Upadhyay is not worthy to be believed.

8. Manager of the Company Mr. K. P. Gopalakrishnan disclosed that Upadhyay was doing odd jobs for the company for which company used to pay him charges and that at no point of time, he worked as Security Guard. Vouchers filed on record show on giving money to Upadhyay towards petty jobs. By doing petty jobs when admittedly Upadhyay is running tea stall, hardly can be said that he was and is in the employment of company. So far contention of Upadhyay that he is working since more than 10 years, nothing of the sort on record. Upadhyay since running canteen is certainly not in the employment of company and that he is a full time tea vendor therefore question of his regularisation does not arise.

9. In so far discrimination is concerned, much is averred by union in the Statement of Claim however since Upadhyay is not in the service of company his contention that he was discriminated does not stand to reason and if at all, as averred in the Statement of Claim Security Supervisor, Security guards were engaged by the company Upadhyay a tea vendor does not come in to picture. Considering the evidence as a whole claim of union on regularisation of Upadhyay is wholly devoid of substance which deserves to be dismissed. Issues are answered accordingly and hence the order :

ORDER

Upadhyay being not in the employment of the management Oriental Insurance Co. Ltd. question of his regularisation does not arise and that his claim being devoid of substance stands dismissed.

S. N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 14 जुलाई, 2003

का. आ. 2286.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार न्यू इण्डिया एसोरेन्स कम्पनी लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-II मुम्बई के पंचाट (संदर्भ संख्या 2/64/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-7-2003 को प्राप्त हुआ था।

[सं. एल-17012/2/2000-आई.आर. (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 14th July, 2003

S.O. 2286.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.2/64/2000) of the Central Government Industrial Tribunal-cum-Labour Court-II Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of New India Assurance Co. Ltd., and their workman, which was received by the Central Government on 14-7-2003.

[No. L-17012/2/2000-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.2 MUMBAI

PRESENT :

Shri S. N. SAUNDANKAR, Presiding Officer

REFERENCE No. CGIT-2/64 of 2000.

Employers in the relation to the Management of
New India Assurance Co. Ltd

The Divisional Manager,
New India Assurance Co. Ltd,
Sinnar Branch, Pitruprabha,
Nashik Pune Road, Sinnar,
Tal. Sinnar,
Nashik (Maharashtra) - 422 001.

V/s.

Their Workmen

Mr. S.G. Londhe,
At Bhatwadi,
P.O. Lonarwadi,
Tal. Sinnar,
Nashik (Maharashtra) - 422 103.

APPEARANCES :

For the Employer : Mr. U. M. Joshi, Advocate.

For the Workmen : Mr. M.B. Anchan, Advocate.

Mumbai, Dated 6th May 2003.

AWARD

The Government of India, Ministry of Labour by its order No. L-17012/2/2000/IR (B-II) dated 22-6-2000 in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of New India Assurance Co.Ltd., Sinnar Branch Nashik in terminating the services of Mr. Shyam Gangadhar Londhe, ex-part time Sweeper with effect from 1-3-1999 is legal and justified? If not, what relief the workman concerned is entitled to?”

2. Workman Londhe was engaged as part time Sweeper in the company's Sinnar Branch office on 1-5-96. Vide Claim Statement (Exhibit-6) workman contended that he worked in the said company from 1-5-96 and when he requested the company on 15-2-99 to regularise him, instead making him permanent in the service he was terminated on 1-3-99. Workman averred that he worked from 1-5-96 continuously for more than 240 days in a year as part time Sweeper and that work was of permanent nature. However, without issuing notice pay, retrenchment compensation, he has been terminated, which is illegal amounting to unfair labour practice. Consequently, by the letter dated 11-5-99 he had requested the company to reinstate him but in vain, and thereafter he approached the A.L.C.(C) vide letter dated 25-5-99 who in turn tried conciliation, but failed. The workman, therefore, prayed to direct the company to reinstate him in service with full back wages.

2. New India Assurance Co. Ltd. resisted the claim of workman by filing Written Statement (Exhibit-9) contending that workman was engaged on the basis of need of work, therefore, his disengagement from service does not attract the provisions of the Industrial Disputes Act. It is pleaded that since the regular employee reported, the workman was disengaged. According to company workman was engaged for cleaning office on need basis and that he had not completed 240 days and averred that since the company is public sector undertaking has to follow the rules and regulations for recruitment and that his engagement was dehors the rules. Since workman was not engaged as per the rules and that he was engaged as per need, provisions of the Industrial Disputes Act do not apply, therefore, his claim being devoid of substance, be dismissed with costs in limine.

3. By the Rejoinder (Exhibit-10) workman reiterated the recitals in the Statement of Claim denying the averments in the Written Statement. According to him, company made permanent eight persons who were not recommended by the Employment Exchange and in this connection his termination is illegal.

4. On the basis of the pleadings issues were framed at Exhibit-11 and in that context workman filed affidavit in lieu of Examination-in-Chief (Exhibit-23) and closed evidence vide purshis (Exhibit-24). In rebuttal divisional Manager of the company Mr. Gunjal filed affidavit (Exhibit-26) and the company closed oral evidence vide purshis (Exhibit-27).

5. Workman filed written Submissions (Exhibit-30) and the management company (Exhibit-28). On perusing the record as a whole, written submissions and hearing both the counsels, I record my findings on the following issues for the reasons mentioned below :

Issues	Findings
1. Whether Shri Shyam Gangadhar Londhe proves that his services were illegally terminated by the management on 1-3-99?	No
2. Whether the action of the management of New India Assurance Co. Ltd. Sinnar Branch Nashik in terminating the services of Mr. Shyam Gangadhar Londhe, Ex-part-time Sweeper w.e.f. 1-3-99 is legal and justified?	Action of the management in discontinuing the services of Mr. Londhe is legal and Justified.
3. What relief Mr. Londhe is entitled to?	As per order below.

REASONS

6. According to workman Londhe he worked in the management-company as sub-staff Sweeper since 1-7-96 continuously till he was terminated on 1-3-99. He disclosed that initially he was paid by the Company Rs. 20/- per day however it was increased to Rs. 25/- from March 1997, Rs. 40/- per day from February 1998 and Rs. 50/- per day from January 1999 and that his wages were paid through vouchers. It is his contention that when he requested for regularisation in service, he was terminated, and that his termination being against the provisions of the Industrial Disputes Act is illegal. Company's Divisional Manager Mr. Gunjal admits that Londhe was engaged in 1996 and was discontinued from 1-3-99 and that he was paid as per vouchers filed on record. He disclosed that in the year 1996 workman worked 159 days, 245 days in 1997 and 229 days in 1998 thereby he did not work continuously. Mr. Gunjal disclosed that workman was so engaged as a Sweeper on the basis of need of work and that he was disengaged on reporting of a regular employee. Workman himself in his Statement of Claim averred that he was engaged in Sinnar Branch Office of the company as part time Sweeper, however, afterthought he disclosed in his cross-examination para 10 that he was full time worker. He admits that initially he was getting wages Rs. 20/- and later

on Rs. 40-50 per day, he was not given appointment letter while engaging or his name was recommended by the Employment Exchange Office. According to workman himself as seen from his affidavit para 4 he worked 184 days in the year 1996 and that according to Divisional Manager Mr. Gunjal as per record said workman worked 245 days in 1997 and 229 days in 1998 on the basis of need of work. Since workman was paid daily wages, it is apparent that his nature of work was not of permanent status. At this juncture the Learned Counsel Mr. Anchan for the workman submits that admittedly workman completed 245 days in the year 1997 itself indicative to show that nature of his work was permanent and therefore he is entitled to regularisation.

7. Their Lordships in the decision reported in 2001 II CLR pg. 447 observed:

“Daily rated workers have no right to claim regular employment”.

The Apex Court in Ahmednagar Zilla Seth Mazdoor Union V/s. Dinkar Rao Kalyan Rao Jagdale and Gram Sevak Prashikshan V/s. Workman employed in Majir Farm Kamgar Union 2001 SCC (L&S) pg. 1189 ruled:

“By virtue of continuing for 240 days and more, labourers in the said case would not acquire the permanent status to be absorbed as regular employees and thereby Section 25 of the I.D. Act would not be affected.”

In case Himanshu Kumar Vidyarthi V/s. State of Bihar AIR 1997 SC 3657 their Lordships of Supreme Court pointed out that:

“The daily wage employee whose services were engaged on the basis of need of work, termination of such employee cannot be construed to be retrenchment.”

It is seen from the record that workman did not work continuously in the calendar year and that though he worked more than 240 days in the year 1997, since he worked as part time sub-staff on daily wage basis and as and when work arose, for want of vacancy cannot be regularised as held in Mahatma Phule University V/s. Nashik Zilla Sheth Kamgar Union 2001 SCC (L&S) 1180. Their Lordships of the Apex Court observed:

“Even though the workman may be working for a long period of time or more than 240 days would not acquire a permanent status to be absorbed as regular employee as for absorption as regular employee, existence of posts is mandatory and if no post exists, then even though he workers may have worked for a long period of time they cannot be regularised or made permanent.”

8. The Learned Counsel Mr. Joshi for the employer submits that New India Assurance Company is a Public

Sector Undertaking which has to follow the directions and guidelines issued by the Government of India from time to time and that rules and regulations are evolved for the recruitment of staff and in that context workman's engagement was dehors the rules therefore his disengagement does not attract the provisions of law. Admittedly workman was not sponsored by the Employment Exchange nor he was given appointment letter which speaks recruitment rules and regulations were not complied with and therefore it seems workman attempt to seek back door entry which is not permissible in law. Their Lordships of Supreme Court in Delhi Development Horticulture Employees Union V/s. Delhi Administration Delhi and Ors. (1992) 4 SCC 9 ruled:

“It has become a common practice to ignore the Employment Exchange and the persons registered in the Employment Exchanges, and to employ and get employed directly those who are either not registered with the Employment Exchange or who though registered are lower in the long waiting list in the Employment Register. The Courts can take judicial notice of the fact that such employment is sought and given directly for various illegal consideration including money. The employment is given first for temporary periods with technical breaks to circumvent the relevant rules, and is continued for 240 or more days with a view to give the benefit of regularisation knowing the judicial trend that those who have completed 240 or more days are directed to be automatically regularised. A good deal of illegal employment market has developed resulting in a new source of corruption and frustration of those who are waiting at the Employment Exchanges for years. Not all those who gain such back door entry in the employment are in need of the particular jobs. Though already employed elsewhere, they join the jobs for better and secured prospects. That is why most of the cases which come the Courts are of employment in Government Departments, Public Undertakings and Agencies. Ultimately it is the people who bear the heavy burden of surplus labour.”

9. So far the discrimination according to Londhe eight persons named in the affidavit para 7 were engaged though not sponsored by the Employment Exchange, however he admits that those persons were engaged by the company prior to him. It is not that retaining the junior workmen he was disengaged. Thus considering the evidence as a whole in the light of the decisions referred to above since workman Londhe was a part-time labourer engaged on need basis and that he was disengaged on reporting of a regular employee provisions of Section 25 F of the Industrial Disputes Act does not come into play. Consequently his claim being devoid of substance deserves to be dismissed and workman is not entitled to any relief. Issues are therefore answered accordingly and hence the order:

ORDER

The action of the management of New India Assurance Co. Ltd., Sinnar Branch Nashik in discontinuing the services of Mr. Shyam Gangadhar Londhe Ex-part time Sweeper w.e.f. 1-3-99 is legal and justified.

S. N. SAUNDANKAR, Presiding Officer
नई दिल्ली, 14 जुलाई, 2003

कां. आ. 2287.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इण्डिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-II, मुम्बई के पंचाट (संदर्भ संख्या 2/226/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-7-2003 को प्राप्त हुआ था।

[सं. एल-12011/73/97-आई.आर. (बी-II)]
सी. गंगाधरण, अवर सचिव

New Delhi, the 14th July, 2003

S.O. 2287.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/226/1999) of the Central Government Industrial Tribunal-cum-Labour Court-II, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of India and their workman, which was received by the Central Government on 14-7-2003.

[No. L-12011/73/97-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL No. 2.

MUMBAI

PRESENT:

S. N. SAUNDANKAR, Presiding Officer

REFERENCE No. CGIT-2/226 of 1999

EMPLOYERS IN RELATION TO THE MANAGEMENT
OF

BANK OF INDIA

The General Manager,

Personnel Department,

Bank of India,

Head Office, Express Towers,

Nariman Point, Mumbai-400 021

V/s.

THEIR WORKMEN

The Dy. General Secretary,

Bank of India Karmachari Sena,

Main Branch, M.G. Road, Fort,

Mumbai-400 023.

APPEARANCES:

FOR THE EMPLOYER : Mr. L. L. D'Souza,
Representative.

FOR THE WORKMEN : Mr. Umesh Nabar,
Advocate.

Mumbai, Dated 12th May, 2003

AWARD

The Government of India, Ministry of Labour by its Order No. L-12011/73/97/IR (B-II) dtd. 7-12-99 in exercise of the powers conferred by clause (d) of Sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication:

"Whether the demand made by the Bank of India Karmachari Sena for giving proper representation of the Union on various Committees constituted by the management of Bank of India is justified? If so, what relief is the disputant union entitled to?"

2. Vide Statement of Claim (Exhibit-7) Bank of India Karmachari Sena pleaded that it is a Trade Union registered under the provisions of the Trade Unions Act, 1926 in the year 1995 and that since then it has secured more than 35% of the membership of the employees of Bank of India. It is pleaded prior to this Union, there was another Trade Union viz. Bank of India Staff Union, whose registration was cancelled from 2nd May '95, consequently Karmachari Sena is the only Union which is representing majority employees of the Bank at Mumbai. It is contended that the system of Award Staff representation on the various Committees under the Staff Welfare Scheme is in existence in the Bank, whereby representatives of the employees are nominated on various Committees so as to give representation to them for ventilating their grievances and placing on record their suggestions so as to improve functioning of such Committees with full participation of the employees, in whose welfare said Committees are constituted. It is contended by the Circular dated 27th February, 1974 the Managers of the Bank were informed of framing of a Scheme and creation of a fund for promotion of welfare activities resulting in constitution of various implementation committees at the Branch and Regional level and further in November '89 the Zonal Managers were apprised on the changed Constitution of Zonal Welfare and Sports Committees. It is contended that representation was required to be given to the Unions representing majority of the employees since the principle underlying the scheme is to give representation to the employees and not the Unions representing them, however, the management denied to the representation on the Committees on the ground their assistance is taken for discussions on matters pertaining to individual grievances

of the members. It is contended by the Union thereby that the effective participation of the employees on the Committees constituted for the employee's welfare, is denied. It is averred that the employee's representatives are to be nominated on the Committees and not representatives of the Trade Union, however refusing to consider the said demand made by the union injustice has been caused. It is contended union had approached the R.L.C(C) in the matter who in turn tried conciliation, but failed, the union therefore contended to direct the management Bank to nominate the representatives selected by the members of the Union on various Committees constituted under the Staff Welfare Scheme.

3. Management Bank resisted the claim of Union by filing Written Statement (Exhibit-8) contending that the reference is not tenable in as much as the demand raised by the union does not partake the character of an Industrial Dispute within the meaning of Section 2(k) of the Industrial Disputes Act. It is pleaded that workmen/staff of the Bank are represented by the nominees of the Federation of Bank of India Staff Union, since it is the only All India majority Organisation of the workmen whereas the Union in the matter is functioning only in Mumbai with only about 30% membership which is even less than 5% of the bank's total employees. It is averred that this Union is functioning only in Mumbai whereas the Bank of India Staff Union is affiliated to the Federation of the Bank of India Staff Union. Consequently the Union concerned has no locus. It is the contention of the Bank that in terms of the scheme, in all Committees the workmen/employees of the Bank were to be represented by the nominees of the Federation of the Bank of India Staff Union and that the welfare activities nowhere constitute condition of the service of the employees and that the same are devised by the Bank with the sole purpose of the welfare of the staff members and consequently contention of the Union being devoid of substance, the Reference be dismissed with costs in limine.

4. By Rejoinder (Exhibit-10) union reiterating the recitals in the Statement of Claim denied the averments in the Written Statement.

5. On the basis of pleadings issues were framed at Exhibit-12 and in that context the working President of the Union Mr. Tendulkar filed affidavit in lieu of Examination-in-Chief (Exhibit-14) and the Union closed oral evidence vide purshis (Exhibit-21). Management Bank however did not lead oral evidence vide purshis (Exhibit-23).

6. Union filed written submissions (Exhibit-26) and the management Bank (Exhibit-27) with copies of rulings. On hearing the Learned Counsel for the Union and representative for the management Bank, and on perusing the records and the written submissions,

I record my findings on the issues for the reasons mentioned below :

Issues	Findings
1. Whether the reference is maintainable as averred in Written Statement para-2 ?	Yes
2. Whether the demand made by the Bank of India Karmachari Sena for giving proper representation of the Union on various Committees constituted by the management of Bank of India is justified ?	No
3. What relief the disputant Union is, entitled to ?	As per order below.

REASONS

7. At the threshold the Learned Representative for the employer Mr. D'Souza inviting attention to the written statement para 2 and issue framed to that effect in the light of the detailed written submissions (Exhibit-27) urged that in the context of Section 2(k) of the Industrial Disputes Act, demand espoused under adjudication, does not partake the character of an industrial dispute and further submits that from the evidence of working President Mr. V.M. Tendulkar it is evident that the service conditions of the Bank employees are governed by the Desai Award, Sastry Award and various Bipartite Settlements and that Welfare Scheme Activities are not specified as condition of service under the Awards and Settlements, therefore, Welfare Scheme/activity not being condition of service, there cannot be any industrial dispute either regarding the working of the scheme or for representation of the Committee for implementation. He contended that mere negotiations by some officers of the union with the employers for conciliation or executing certain documents on behalf of the workmen prior to the reference, does not give to the alleged dispute the character of an industrial dispute relying on the decision in Deepak Industries Limited and Anr. V/s. State of West Bengal and Ors. 1975 LAB IC 1153. In contra, the Learned Counsel Mr. Nabar for Union submitted that the Hon'ble High Court in Writ Petition No. 829 of 1999 by order dated 8-6-99 in para 4 observed that the demand *prima facie* falls within the category of industrial dispute. He fairly submits, no doubt. Their Lordships in para 6 of the Judgment left open to urge all these contentions before the Tribunal and submitted that principle underlying the scheme is to give representation to the employees and not to the Union representing them, in the light of the circular dated 27th November, 1989 and in this context system of Award Staff, representations on the various Committees in the Staff Welfare Scheme is in existence whereby, the representatives of the employees are nominated on various Committees so as to give

representations to them for ventilating their grievances and placing on record their suggestions to improve the functioning of such Committees by effective participation of the employees in whose welfare such Committees are constituted and therefore according to Mr. Nabar provisions of Section 2(k) of the Industrial Disputes Act includes terms of employment and conditions of labour and as such the demand raised is an industrial dispute as contemplated under the provisions of the Industrial Disputes Act.

8. Admittedly the management has sought representation on Committees constituted for the welfare of the employees which becomes service condition of employees by virtue of long standing practice since the welfare of the employees is envisaged in constitution of various Committees when long standing practice becomes the part of the service conditions of the employees. Consequently going through the record as a whole and the definition of industrial dispute which speaks to mean any dispute or difference between employers and employers or employers and workmen or between workmen and workmen which is connected with the employment or non-employment or the terms of employment or with the conditions of labour of any person, to my view, dispute falls within the definition of Section 2(k) of the Industrial Disputes Act. Consequently Reference is maintainable and that this Tribunal has jurisdiction in width to adjudicate the same. Issue No. 1 is, therefore, answered in the affirmative.

9. The crucial point in the matter is whether the demand made by the Bank of India Karmachari Sena for giving proper representation of the Union on various committees constituted by the management of Bank of India is proper and justified. According to management the demand had been raised only because the registration of Bank of India Staff Union was cancelled. Mr. Tendulkar, the working President of the Union deposed that the Union is having more than 35% of the membership of the employees of the Bank employed at Mumbai and that the system of Award Staff representation and the various Committees under the Staff Welfare Scheme is in existence, where by representatives of these employees are nominated on various Committees so as to give representation to them for ventilating their grievances and placing on record their suggestions so as to improve the functioning of such Committees by effective participation of the employees in whose welfare such activities are undertaken. Committees are constituted and that the scheme was in vogue which had principle of granting representation to the employees on various welfare committees for which funds were created and that principle underlying the scheme is to give representation to the employees and not to the Unions

representing them and in that context, Bank is required to give proper representation to the Karmachari Sena on various Committees. On the contrary, the management's case is that representation is given only to All India Majority Unions in accordance with the circulars and that Karmachari Sena is functioning only in Mumbai with about 30% membership whereby the total membership would be even less than 5% of the Bank's total employees and in this context demand is not in consonance with the provisions of the scheme.

10. Mr. Tendulkar working President of the Union admitted in his cross-examination para 15/16 that All India Bank Employees Association is the majority Union which had also not raised this sort of demand and further conceded that Zonal Sports and Welfare Committee were constituted when Karmachari Sena was not in existence and further pointed out that after reconstitution of the Committee, the representation of the employees of Federation of Bank of India Staff Union continued. Mr. Tendulkar admitted that except State of Maharashtra, Karmachari Sena has no members and that it is not affiliated to Federation of Bank of India Staff Union. This being the position of Karmachari Sena, the Learned Representative Mr. D'Souza at this juncture submits that, this Union is having less than 5% of the Bank's total employees as its members and only because the registration of Bank of India Staff Union was cancelled, demand under Reference was espoused therefore hardly can be accepted. Admittedly AIBEA is a majority Union which has representation on the concerned Committees, function for the interest of the employees of the Bank as a whole and in contra, Karmachari Sena has its existence in State of Maharashtra only which is not affiliated to Federation of Bank of India Staff Union and that representation is given only to the Union which represents majority of the workmen throughout the country. In view of the discussion supra, in the light of the evidence, I find no force in the submission of Mr. Nabar. In this view of the matter demand made by Karmachari Sena for giving proper representation of the Union on various Committees constituted by the management of Bank of India is not proper and justified hence Union's claim deserves to be dismissed. Consequently Union is not entitled to any relief. Issue No. 2 & 3 are answered to that effect and hence the order:—

ORDER

The demand made by the Bank of India Karmachari Sena for giving proper representation of the Union on various Committees constituted by the management of Bank of India is not justified consequently Union's claim stands dismissed.

S. N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 14 जुलाई, 2003

का. आ. 2288.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण एवं श्रम न्यायालय, जोधपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-7-2003 को प्राप्त हुआ था।

[सं. एल-12012/877/88-डी-II(ए)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 14th July, 2003

S.O. 2288.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal and Labour Court, Jodhpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workman, which was received by the Central Government on 14-07-03.

[No.L-12012/877/88-D-II(A)]

C. GANGADHARAN, Under Secy.

अनुबंध

औद्योगिक विवाद अधिकरण एवं श्रम न्यायालय, जोधपुर

पीठासीन अधिकारी :—श्रीमती निशा गुप्ता, आर. एच. जे. एस. ओ.
वि. (केन्द्रीय) सं. :—01/2001

श्री एम. पी. गर्ग, प्रार्थी
स्पेशल एसिस्टेंट ब्रांच श्रीगंगानगर,
जरिये जनरल सेक्रेटरी पी.एन.बी. एम्पलाईज यूनियन,
परवाना भवन, माधोबाग,
जोधपुर।

बनाम

दी रीजनल मैनेजर, अप्रार्थी
पंजाब नेशनल बैंक रीजनल ऑफिस,
श्रीगंगानगर।

उपस्थिति :—

- (1) प्रार्थी प्रतिनिधि श्री विजय मेहता, उप.
- (2) अप्रार्थी प्रतिनिधि श्री वी. के. जैन, उप.

अधिनिर्णय

दिनांक 27-5-2003

श्रम मंत्रालय भारत सरकार, नई दिल्ली ने अपनी अधिसूचना क्रमांक एल-12012/877/88-डी-II(ए) दिनांक 24 अक्टूबर, 2000 से निम्न विवाद वास्ते अधिनिर्णय इस न्यायालय को प्रेषित किया है :—

"Whether the action of the management of Punjab National Bank in imposing punishment of stoppage of one increment with cumulative effect on

Sh. M.P. Garg, Special Assistant, Branch Sriganganagar is just and legal? If not, to what relief is the workman concerned entitled?"

प्रार्थी ने अपना माँग-पत्र प्रस्तुत करते हुए कहा है कि प्रार्थी पंजाब नेशनल बैंक का स्थायी एवं वरिष्ठ कर्मचारी है जब वह श्रीगंगानगर शाखा में कार्यरत था तब उसे 13-2-1987 को आरोप-पत्र दिया गया जिसके द्वारा उस पर आरोप लगाया गया कि 16-12-1986 को उसने श्री एल. डी. अग्रवाल, एकाउन्टेन्ट के साथ दुर्व्यवहार किया तथा उसने 22-12-86 तथा 23-12-86 को अन्य सहकर्मियों के साथ अधिकारियों के प्रति गाली ग्लोचपूर्ण नारेबाजी की, प्रार्थी ने आरोपों का खंडन करते हुए सन्तोषप्रद उत्तर प्रस्तुत किया इसके बावजूद भी उसके विरुद्ध विभागीय जांच कराई गई, विभागीय जांच द्विपक्षीय समझौता एवार्ड व न्याय के प्राकृतिक सिद्धांतों के प्रतिकूल की गई, जांच अधिकारी ने निष्पक्ष जांच नहीं की वे प्रार्थी से पूर्वाग्रह से ग्रसित थे, जांच एन. के. जैन के निर्देशों पर की गई, जांच विधि विरुद्ध थी। जैसी भी जांच की गई उसमें आरोप सिद्ध नहीं हुए, प्रार्थी की साक्ष्य को भी नजरअंदाज कर दिया गया, विधि विरुद्ध जांच के उपरान्त भी दिनांक 30-6-1988 के आदेश से प्रार्थी को दोषी मानते हुए प्रार्थी को कम्युलेटिव इफैक्ट से दो वार्षिक वेतन वृद्धियों से दण्डित कर दिया, दण्डात्मक आदेश उन आक्षेपों पर भी आधारित है जिनके बारे में आक्षेप ही नहीं लगाये गये, दण्डात्मक आदेश एक्सट्रिनिक्स सामग्री पर आधारित होने से निरस्त योग्य है, प्रार्थी ने दण्डात्मक आदेश के विरुद्ध अपील की लेकिन उसे निरस्त कर दिया गया। यह भी कहा है कि तर्क के लिए आरोप सिद्ध होना माना भी जावे तो दण्ड अत्यधिक है, प्रार्थी पंजाब नेशनल बैंक एम्पलाईज यूनियन का नेता है जिसे विक्टीमाईज करने से ही दण्डित किया गया है। अन्त में निवेदन किया है कि दण्डात्मक आदेश निरस्त कर देय राशि ब्याज सहित दिलाये जाने का अधिनिर्णय पारित किया जावे।

अप्रार्थी की ओर से जवाब प्रस्तुत किया गया जिसमें प्रारंभिक आपत्तियों में कहा गया कि अपीलीय प्राधिकरण द्वारा अपने आदेश दिनांक 22-7-88 के जरिये प्रार्थी की अपील का निस्तारण किया गया था, विवाद औद्योगिक विवाद अधिनियम के प्रावधानों के अनुसार उचित एवं वैध नहीं है। आगे जवाब में कहा गया है कि प्रार्थी को 13-2-87 को आरोप-पत्र जारी किया गया जिसमें आरोपित किया गया उसने वरिष्ठ बैंक अधिकारियों के विरुद्ध उनके व्यक्तिगत नाम से भेदे एवं अशोभनीय नारे लगाये, प्रार्थी द्वारा 2-3-87 को आरोप-पत्र का जवाब प्रस्तुत किया व आरोपों से इन्कार किया जिस पर अनुशासनिक अधिकारी ने आरोपों की विभागीय जांच का आदेश दिया, विभागीय जांच की कार्यवाही द्विपक्षीय समझौते के प्रावधानों के अनुरूप की गई, प्रार्थी को बचाव का पूर्ण अवसर दिया गया, व्यक्तिगत सुनवाई का पूर्ण अवसर दिया गया, प्रार्थी को गवाहों से जिरह करने व अपने बचाव में साक्ष्य प्रस्तुत करने का भी पूर्ण अवसर दिया गया, जांच अधिकारी ने आरोपों को सिद्ध होना पाया व 10-3-88 को अपनी जांच रिपोर्ट प्रस्तुत की, जांच रिपोर्ट का गहन अध्ययन एवं विश्लेषण करने के पश्चात् अनुशासनिक अधिकारी द्वारा 31-5-88 को प्रार्थी को कारण बताओ नोटिश जारी किया जिसके जरिये दो वार्षिक वेतन वृद्धियां संचयी प्रभाव से रोकने का दण्ड प्रस्तावित किया गया। प्रार्थी को 15 दिन का समय प्रदान किया, 11-6-88 को

प्राथी अनुशासनिक अधिकारी के समक्ष व्यक्तिगत सुनवाई का अवसर प्रदान किया मगर प्राथी द्वारा कोई समुचित स्पष्टीकरण नहीं दिया गया जिसके फलस्वरूप 30-6-88 को अन्तिम आदेश पारित करते हुए प्रस्तावित दण्ड की पुष्टि की गई। उक्त दण्डादेश के विरुद्ध श्री गर्ग द्वारा 8-7-88 को अपील दायर की गई, अपीलीय प्राधिकारी द्वारा 22-7-88 को आदेश पारित कर दण्ड को कम करते हुए एक वार्षिक वेतन वृद्धि को संचयी आधार पर रोकने का आदेश पारित किया, उक्त मामले में बैंक कामगार यूनियन द्वारा आदेश के विरुद्ध सहायक श्रम आयुक्त अजमेर के समक्ष अपील की गई जिसको खारिज किया गया। अप्राथी का कथन है कि यदि न्यायालय इस निष्कर्ष पर पहुंचे कि विभागीय जांच ठीक एवं उचित रूप से नहीं की गई है तो अप्राथी को आरोप के सम्बन्ध में अपनी साक्ष्य प्रस्तुत करने की अनुमति प्रदान की जाये। प्राथी को दिया गया दण्डादेश द्विपक्षीय समझौते के प्रावधानों के अनुरूप है। अन्त में निवेदन किया है कि बैंक द्वारा प्राथी को आरोपित संचयी आधार पर दिया गया एक वार्षिक वेतन वृद्धि को रोकने का वैध व उचित दण्ड सुरक्षित रखा जाए, प्राथी को अनुतोष प्राप्त करने का अधिकार नहीं है।

अप्राथी की ओर से सम्पूर्ण जांच पत्रावली की फोटो स्टेट प्रतियां पेश की गई।

दोनों पक्षों के प्रतिनिधिगण की बहस सुनी, पत्रावली का अवलोकन किया।

प्राथी द्वारा यह कहा गया कि उसे 13-2-87 को आरोप-पत्र दिया गया कि उसने एकाउन्टेन्ट के साथ दुर्व्यवहार किया और अधिकारियों के प्रति गाली-गलोचपूर्ण नारेबाजी की जिसके सम्बन्ध में विभागीय जांच की गई। बहस के दौरान प्राथी ने यह स्वीकार किया कि जांच उचित प्रकार से की गई है और नैसर्गिक न्याय के सिद्धांतों की पालना की गई है।

प्राथी का यह कथन रहा है कि उसके विरुद्ध जो आरोप-पत्र दिया गया है उसमें उल्लेखित तथ्यों से कोई दुराचरण बनना नहीं पाया जाता और ऐसी स्थिति में निष्पक्ष जांच के बावजूद भी जो दण्डादेश पारित किया गया है वह त्रुटिपूर्ण है। प्राथी का यह कथन है कि अपनी आपाति पेश करना और यूनियन की गतिविधियों में भाग लेना उसका अधिकार है और इस सम्बन्ध में किये गये कृत्यों को दुराचार नहीं माना जा सकता। परन्तु यह तर्क मान्य नहीं है। जांच अधिकारी की रिपोर्ट से यह स्थिति स्पष्ट है कि प्राथी ने नारेबाजी की और नारेबाजी में भ्रष्ट, चोर, कुत्ता, रण्डी आदि शब्दों का प्रयोग किया। निःसन्देह ही ऐसी नारेबाजी करना प्राथी का न तो अधिकार है और न ही इसे यूनियन की गतिविधियों के अन्तर्गत माना जा सकता है। इस प्रकार जो नारेबाजी प्राथी की ओर से की गई है इससे निःसन्देह ही बैंक की गरिमा और हित को नुकसान पहुंचा है और इसे जांच अधिकारी द्वारा गम्भीर दुराचार माना गया है तो इसमें कोई त्रुटि नहीं की है।

प्राथी का यह भी तर्क है कि उसके विरुद्ध एक वेतन वृद्धि संचयी प्रभाव से रोके जाने का आदेश दिया गया है जो कि त्रुटिपूर्ण है क्योंकि संचयी प्रभाव से वेतन वृद्धि रोकने का खण्ड-21 में कोई दण्ड उल्लेखित नहीं है। विपक्षी का कथन है कि दुर्व्यवहार के लिए जो दण्ड निर्धारित किया गया है उसमें वेतन वृद्धि रोकने का दण्ड भी प्रावधित है, इसमें इस स्थिति का कोई अन्तर नहीं किया गया है कि वेतन वृद्धि संचयी प्रभाव से

रोकी जायेगी या असंचयी प्रभाव से।

प्राथी की ओर से एस.एल.आर. 1981 (2) पेज 33, अलकेन्द्र सरकार बनाम वैस्ट बंगाल राज्य का विनिश्चय पेश किया जिसमें वैस्ट बंगाल सी.सी.ए. रूल्स के अनुरूप संचयी प्रभाव से वेतन वृद्धि रोकने को अनुचित माना गया है क्योंकि ऐसे दण्डादेश का प्रावधान नहीं था। इसी क्रम में एल.आई.सी. 1998 पेज 1129 आर.एस.आर.टी.सी. बनाम इन्द्रसिंह का विनिश्चय भी पेश किया गया जिसमें राजस्थान सी.सी.ए. रूल्स का हवाला देते हुए आर.एस.आर. टी.सी. के नियमों की व्याख्या की गई है। इन दोनों ही सी.सी.ए. रूल्स में लघु और मेजर दण्डादेश पारित करने के लिए भिन्न-भिन्न प्रक्रिया है और बिना संचयी प्रभाव के वेतन वृद्धि रोकने को लघु दण्ड माना गया है जब कि संचयी प्रभाव से वेतन वृद्धि रोकने को मेजर दण्ड माना गया है जब कि प्राथी के सम्बन्ध में जो नियम बैंक कर्मचारियों के पेश किये गये हैं इसमें कोई भिन्न-भिन्न प्रक्रिया नहीं है। उक्त नियमों में संचयी प्रभाव व असंचयी प्रभाव दो अलग-अलग दण्डादेश दर्शाये गये हैं परन्तु बैंक के जो नियम पेश हुए हैं उसमें केवल वेतन वृद्धि रोकने का दण्डादेश है और ऐसी स्थिति में संचयी प्रभाव और असंचयी प्रभाव दोनों ही स्थिति में वेतन वृद्धि रोकने का दण्डादेश इसमें सम्मिलित माना जायेगा और इस प्रकार प्राथी के विरुद्ध उचित प्रकार से जांच कर उसे बचाव व सुनवाई का अवसर देने के पश्चात् सम्पूर्ण प्रकरण पर गहनता से विचार करने के बाद जो दण्डादेश पारित किया गया है उसमें कोई त्रुटि प्रतीत नहीं होती।

प्राथी की ओर से एस.बी. सिविल रिट पिटीशन नम्बर 1189/81 का विनिश्चय भी पेश किया गया जिसमें कहा गया है कि न्यायालय द्वारा नये सिरे से इन्कवायरी करने का आदेश नहीं दिया जा सकता। इस सिद्धांत पर कोई विवाद नहीं है।

इस प्रकार प्राथी के विरुद्ध जो दण्डादेश पारित किया गया है उसमें कोई त्रुटि नहीं है और प्राथी कोई अनुतोष पाने का अधिकारी नहीं है।

अधिनिर्णय

अतः यह अधिनिर्णित किया जाता है कि व्यवस्थापक पंजाब नेशनल बैंक द्वारा प्राथी श्री एम.पी. गर्ग को जो एक वेतन वृद्धि संचयी प्रभाव से रोके जाने का दण्डादेश पारित किया है उसमें कोई त्रुटि नहीं है। अतः प्राथी अप्राथी नियोजक से कोई अनुतोष प्राप्त करने का अधिकारी नहीं है।

निशा गुप्ता, न्यायाधीश

नई दिल्ली, 14 जुलाई, 2003

का. आ. 2289.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विशाखापटनम पोर्ट ट्रस्ट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण विशाखापटनम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-7-2003 को प्राप्त हुआ था।

[सं. एल-34011/12/2003-आईआर(एम)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 14th July, 2003

S.O. 2289.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Visakhapatnam as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Visakhapatnam Port Trust and their workmen, which was received by the Central Government on 14-07-2003.

[No. L-34011/12/2001-IR(M)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT, VISAKHAPATNAM

Present : Sri Y. Dhilleswara Rao, B.A. LL.B.,
Chairman & Presiding Officer

Visakhapatnam, the 9th June, 2003

I.T.L.D.(C) 40/2002

Reference No. L. 34011/12/2001-IR(M)
dated 16-08-2001

Between

The General Secretary,
Janata Port & Dock Employees Union
Door No. 21-30-18, Punja Junction,
Chengalarao Peta,
Visakhapatnam-530 001 ... Petitioner/Workman

And

The Chairman
Visakhapatnam Port Trust
Visakhapatnam-530 035 ... Respondent/Management

This is a reference made by the Government of India, Ministry of Labour, New Delhi under Sec. 10(1)(d) of Industrial Disputes Act, 1947 for adjudication of the dispute.

This dispute is coming on for final hearing before me in the presence of Sri. A. Madhusudhan Rao, Advocate for workman and of Sri B.S.S.N. Raju, Advocate for management, upon hearing the arguments of both sides and on perusing the entire material on record, the Court passed the following :

AWARD

1. This is a reference by the Central Government under Sec. 10 of Industrial Disputes Act, to adjudicate the dispute, "whether the demand of Janata Port & Dock Employees Union, Visakhapatnam for regularization of services of Smt. B. Parvathi, Female Khalasi from the date of her casual employment with all service benefits is legal and justified? If not to what relief the union is entitled?"
2. The reference was taken on file as I.T.L.D. 40/2002.

After the parties entered their appearance, the workman filed her claim statement alleging that she was appointed as a Female Sweeper on 5-12-1980 on compassionate grounds. Though she worked continuously for more than 240 days from 5-12-1980, her services were not regularised. Management regularized her service with effect from 1-1-1991 only. The management regularized the services of some casual labourers who were appointed in the year 1980 on compassionate grounds and paid them arrears and fringe benefits as per award passed in I.D. No. 5/93 on the file of this Court. In spite of workman demanding for regularization of her services, the management did not consider. She raised a dispute before Assistant Labour Commissioner (Central) through the Janatha Port & Dock Employees Union. On submission of report by the said Assistant Labour Commissioner, the matter was referred by the Central Government for adjudication by this Court. She sought for (1) direction to regularise her services on completion of 240 days from the date of appointment in Female Sweeper/Casual Labour with all fringe benefits, (2) to pay all arrears and compute the service with back date, (3) and to pay costs.

3. The opposite party (Management) filed counter specifically denying the material allegations. It was contended, the workman was appointed on 6-12-1980 on compassionate grounds and her services were regularized with effect from 1-1-1991 as sweeper. The workman was doing miscellaneous and light work. The management has already sent a proposal to regularise the services of workman vide letter dated 24-10-1996 but so far no orders are received for regularization. The management prayed to dismiss the petition with exemplary costs.
4. For the workman, WW1 is examined and Exs. W1 to W6 are marked. For the management, MW1 is examined but no documents are marked. Heard arguments.
5. The point that arises for consideration is : Whether the workman is entitled for regularization of her service as Female Khalasi from the date of her appointment on completion of 240 days of service?
6. The workman is examined as WW1. Her evidence is that she was appointed on compassionate grounds but her services were not regularized soon after completion of 240 days. She further stated that her services were regularised w.e.f. 1-1-1991. The management examined Senior Assistant working in the medical department as MW1. He admitted one E. Laxmikantam, S. Radha Bhai, S. Mahalaxmi and Ch. Lalitha Kumari are

working as Female Sweepers and their services were regularised as per directions of Award in I.D. filed by them. The management in its counter specifically stated that proposal was made for regularisation of the services of WW1 who completed 240 days of continuous casual service but so far orders were not received for regularisation. MW1 made it clear in his cross-examination that there was no break of service of WW1 between the period 1980 till 1991. Therefore, prior to regularisation of services of WW1 on 1-1-1991, WW1 worked continuously ever since she joined the service in the year 1980. Therefore, the management having realised that the services of WW1 are to be regularised for the period from 5-12-1980, has sent a proposal but orders are awaited. In my opinion, it is needless for every workman to approach this Court and obtain an award with a direction to regularise their services. In case it is found by management that workman similar to WW1 are eligible for regularisation and the rules permit, the management can as well regularise without driving the workmen to Court. Since WW1 has continuously worked till 1991 ever since she joined the year 1980, it is incumbent upon the management to regularise her service and pay all the benefits as per rules. Accordingly, the point is answered.

7. In the result, the reference is answered that WW1 is entitled for regularisation of her service as Female Khalasi from the date of her appointment having completed 240 days of continuous service. The workman is entitled for costs of Rs. 250 (Rupees two hundred and fifty only).

Typed to my dictation, given under my hand and seal of the Court, this the 9th day of June, 2003.

Y. DHILLESWARA RAO, Presiding Officer

APPENDIX OF EVIDENCE

Witnesses Examined

For Workman : For Management
WW1 : B. Parvati MW1 : D.T. Naik

Documents Marked

For Workman :

- Ex. W1 : Representation to Management by workman.
Ex. W2 : Continuation appointment order
Ex. W3 : 3-10-2000 : Representation to ALC (Central),
Visakhapatnam by Workmen's Union
Ex. W4 : Registered lawyer's notice
Ex. W5 : Copy of the conciliation proceedings of ALC(C),
Visakhapatnam
Ex. W6 : Reply lawyer's notice.

FOR MANAGEMENT : Nil

नई दिल्ली, 14 जुलाई, 2003

का. आ. 2290.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विशाखपटनम पोर्ट ट्रस्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, विशाखपटनम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-7-2003 को प्राप्त हुआ था।

[सं. एल-34011/8/2001-आईआर(एम)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 14th July, 2003

S.O. 2290.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Visakhapatnam as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Visakhapatnam Port Trust and their workmen, which was received by the Central Government on 14-07-2003.

[No. L-34011/8/2001-IR(M)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT, VISAKHAPATNAM

Present : Sri Y. Dhilleswara Rao, B.A. LL.B.,
Chairman & Presiding Officer

Visakhapatnam the 9th June, 2003

I.T.I.D.(C) 39/2002

Reference No. L.34011/8/2001-IR(M)
dated 16-08-2001

Between

The General Secretary,
Janata Port & Dock Employees Union
Door No. 21-30-18, Punja Junction,
Chengalarao Peta,
Visakhapatnam-530 001

... Petitioner/Workman

And

The Chairman

Visakhapatnam Port Trust

Visakhapatnam-530 0035 ... Respondent/Management

This is a reference made by the Government of India, Ministry of Labour, New Delhi under Sec. 10(1)(d) of Industrial Disputes Act, 1947 for adjudication of the dispute.

This dispute is coming on for final hearing before me in the presence of Sri. A. Madhusudhan Rao, Advocate for workman and of Sri B.S.S.N. Raju, Advocate for management, upon hearing the arguments of both sides and on perusing the entire material on record, the Court passed the following :

AWARD

1. This is a reference by the Central Government Under Sec. 10 of Industrial Disputes Act, to adjudicate the dispute, "whether the demand of Janata Port & Dock Employees Union, Visakhapatnam for regularization of services of Smt. Rangamani, Female Khalasi from the date of casual employment with all service benefits is legal and justified? If not to what relief the union is entitle?"
2. The reference was taken on file as I.T.I.D. 39/2002. After the parties entered their appearance, the workman filed her claim statement alleging that she was appointed as a Female Sweeper on 5-12-1980 on compassionate grounds. Though she worked continuously for more than 240 days from 5-12-1980, her services were not regularised. Management regularized her service with effect from 12-1-1987 only. The management regularized the services of some casual labourers who were appointed in the year 1980 on compassionate grounds and paid them arrears and fringe benefits as per award passed in I.D. No. 5/93 on the file of this Court. In spite of workman demanding for regularization of her services, the management did not consider. She raised a dispute before Assistant Labour Commissioner (Central) through the Janata Port & Dock Employees Union. On submission of report by the said Assistant Labour Commissioner, the matter was referred by the Central Government for adjudication by this Court. She sought for (1) a direction to regularize her services on completion of 240 days from the date of appointment as Female Sweeper/Casual Labour with all fringe benefits, (2) to pay all arrears and compute the service with back date, (3) and to pay costs.
3. The opposite party (Management) filed counter specifically denying the material allegations. It was contended, the workman was appointed on 6-12-1980 on compassionate grounds and her services were regularized with effect from 12-1-1987 as Sweeper. The workman was doing miscellaneous and light work. The management has already sent a proposal to regularise the services of workman vide letter dated 24-10-1996 but so far no orders are received for regularisation. The management prayed to dismiss the petition with exemplary costs.
4. For the workman, WW1 is examined and Exs. W1 to W6 are marked. For the management, MW1 is examined but no documents are marked. Heard arguments.
5. The point that arises for consideration is : Whether

the workman is entitled for regularisation of her service as Female Khalasi from the date of her appointment on completion of 240 days of service?

6. The workman is examined as WW1. Her evidence is that she was appointed on compassionate grounds but her services were not regularised soon after completion of 240 days. She further stated that her services were regularised w.e.f. 12-1-1987. The management examined Senior Assistant working in the medical department as MW1. He admitted one Laxmikantam, S. Radha Bhai, S. Mahalaxmi and Ch. Lalitha Kumari are working as Female Sweepers and their services were regularised as per directions of Award in I.D. filed by them. The management in its counter specifically stated that proposal was made for regularisation of the services of WW1 who completed 240 days of continuous casual service but so far orders were not received for regularisation. MW1 made it clear in his cross-examination that there was no break of service of WW1 between the period 1980 till 1987. Therefore, prior to regularisation of services of WW1 on 12-1-1987, WW1 worked continuously ever since she joined the service in the year 1980. Therefore, the management having realised that the services of WW1 are to be regularised for the period from 5-12-1980, has sent a proposal but orders are awaited. In my opinion, it is needless for every workman to approach this Court and obtain an award with a direction to regularise their services. In case it is found by management that workman similar to WW1 are eligible for regularisation and the rules permit, the management can as well regularise without driving the workmen to Court. Since WW1 has continuously worked till 1987 ever since she joined in the year 1980, it is incumbent upon the management to regularise her service and pay all the benefits as per rules. Accordingly, the point is answered.
7. In the result, the reference is answered that WW1 is entitled for regularisation of her service as Female Khalasi from the date of her appointment having completed 240 days of continuous service. The workman is entitled for costs of Rs. 250/- (Rupees two hundred and fifty only).

Typed to my dictation, given under my hand and seal of the Court, this the 9th day of June, 2003.

Y. DHILLESWARA RAO, Presiding Officer

APPENDIX OF EVIDENCE**WITNESSES EXAMINED**

For Workman :

WW1 : P. Rangamani

For Management

MW1 : D.T. Naik

Documents Marked**For Workman :**

- Ex. W1 : 25-02-1999 : Representation to Management by workman.
- Ex. W2 : Continuation appointment order
- Ex. W3 : 3-10-2000 : Representation to ALC (Central), Visakhapatnam by Workman's Union
- Ex. W4 : Registered lawyer's notice
- Ex. W5 : Copy of the conciliation proceedings of ALC(C), Visakhapatnam
- Ex. W6 : Reply lawyer's notice.

For Management : Nil

नई दिल्ली, 15 जुलाई, 2003

का. आ. 2291.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचाट (संदर्भ संख्या 10/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-7-2003 को प्राप्त हुआ था।

[सं. एल-12012/327/92-आईआर.(बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 15th July, 2003

S.O. 2291.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 10/93) of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workman, which was received by the Central Government on 15-07-2003.

[No. L-12012/327/92-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE**CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT CHANDIGARH****Presiding Officer**

Shri S.M. Goel

Case No. I.D. 10/93

Dy. Secretary,
Punjab National Bank Employees Union,
113-B, Model Town, Ext.
Ludhiana Punjab

... Applicant.

V/s.

Zonal Manager,
Punjab National Bank,
Ludhiana

... Respondent

REPRESENTATIVES

For the Workman : None

For the Management : R.C. Thakur

AWARD

(Passed on 12th June, 2003)

The Central Govt. Ministry of Labour vide Notification No. L-12012/327/92-I.R.B. II dated 13th January, 1993 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Punjab National Bank in not giving preference to Sh. Zora Singh, Peon while filling up the vacancy of Peon-cum-Guard in Mandi Mullanpur Branch of the Bank is legal and justified? If not, what relief is the workman entitled?"

2. None appeared on behalf of the workman. It appears that workman is not interested to pursue with the present reference. In view of the above, the present reference is returned to the Central Govt. for want of prosecution. Central Govt. be informed.

Camp at Ludhiana

S.M. GOEL, Presiding Officer

Chandigarh

नई दिल्ली, 15 जुलाई, 2003

का. आ. 2292.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्रीय विद्यालय के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जयपुर के पंचाट (संदर्भ संख्या सीजीआईटी-27/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-7-2003 को प्राप्त हुआ था।

[सं. एल-42012/106/95-आईआर.(डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 15th July, 2003

S.O. 2292.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-27/2002) of the Central Government Industrial Tribunal/Labour Court, Jaipur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Kendriya Vidyalaya and their workman, which was received by the Central Government on 15-07-2003.

[No. L-42012/106/95-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JAIPUR

Case No. CGIT-27/2002

Reference No. L-42012/106/95-IR(DU)

Sh. Babu Lal,
S/o Sh. Nanak Chand,
Ward No. 13,
In front of Bus Stand, Suratgarh. ... Applicant.

Versus

The Principal,
Kendriya Vidyalaya,
Suratgarh Cantt.
Distt. Sriganganagar ... Non-applicant

PRESENT :

Presiding Officer : Sh. R.C. Sharma

For the applicant : None
For the non-applicant : Sh. V.S. Gurjar
Date of Award : 13-03-2003

AWARD

1. The Central Government in exercise of the powers conferred under clause 'D' of Sub-section 1 of Section 10 of the Industrial Disputes Act, 1947 (for short, the Act) has referred the following industrial dispute to this Tribunal for adjudication which runs as under :—

"Whether the action of the management of Kendriya Vidyalaya, Suratgarh in terminating the services of Sh. Babu Lal S/o Sh. Nanak Chand, w.e.f. 30-4-93 is just and legal? If not, to what relief the workman is entitled and from which date?"

2. After the receipt of the reference in this Tribunal, the notices were issued to the concerned parties. On 25-11-2002, the workman in spite of the service of notice on him did not appear and forwarded a letter through post requesting to grant an adjournment. On the next date 23-12-2002, none was present.

3. On the next date 20-1-2003, the representative on behalf of the non-applicant appeared. Thereafter, on the subsequent dates on 19-2-2003 and 12-3-2003, the workman did not appear. He is keeping absent since 23-12-2002 and no statement of claim has even been filed on his behalf.

4. The afore-mentioned facts disclose that the workman is not willing to contest the claim. Hence, a "No Dispute Award" is passed accordingly.

5. Let a copy of the award be sent to the Central Government for publication under Section 17(1) of the Act.

R. C. SHARMA, Presiding Officer

नई दिल्ली, 16 जुलाई, 2003

का० आ० 2293.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक विभाग के

प्रबंधांत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचाट (संदर्भ संख्या 54/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2003 को प्राप्त हुआ था।

[सं. एल-40012/23/93-आई आर.(डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 16th July, 2003

S.O. 2293.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 54/94) of the Central Government Industrial Tribunal/Labour Court, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Deptt. of Post and their workman, which was received by the Central Government on 16-7-2003.

[No. L-40012/23/93-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

PRESIDING OFFICER SHRI S. M. GOEL

Case No. ID 54/94

Sh. Ishwar Chand, P. O. Chururu Village & Post Office
Chururu C/o Sh. S. D. Aggarwal, H. No. 3116,
Sector 38-A, Chandigarh. 160017. ... Applicant.

V/s

Senior Superintendent of Post Office Hamirpur (H.P.)

2, Sub Divisional Inspector, Amb (H.P.) 177001.

... Respondents

REPRESENTATIVES:

For the workman : Shri M. S. Gorsli
For the management : Shri K. K. Thakur

AWARD

(Passed on 9-6-2003)

The Central Govt., Ministry of Labour vide Notification No. L-40012/23/93-IR(DU) dated 1st July, 1994 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Postal Authorities Hamirpur in not allowing Shri Ishwar Chand S/o Shri Datta Ram to join as EDDA Chururu on discharge from Army Postal Service is legal and justified? If not, what relief the workman concerned is entitled to?"

2. In the Claim Statement it is pleaded by the applicant that he is a matriculate and was appointed as EDDA (Extra Departmental Delivery Agent) at Chururu Dist. Una w.e.f. 8-11-1985 and worked upto 31-1-1991. In pursuance of Circular issued by the P.M.G. Hip. Circle, the

Divisional Heads conducted literacy test for the EDDA who were matriculates and had put in more than three years of service, in the department for special recruitment to the Army Postal Service and in pursuance of this circular the applicant was relieved for deputation to the Army Postal Service on 2-1-1991 with the condition that he will provide to the substitute to the office. The applicant joined Army Postal Service Kamptee on 7-2-1991 and he was later on discharged on 17-2-92 and reason given was, ('IN VALID OUT'). After relieving from the Army Postal Service the applicant reported for duty to Thathal on 20-2-92 but he was not allowed to join. On representation to the SSPO Hamirpur he got the reply that Post was already filled up and there was no vacancy. Even when the post was later fell vacant he was not allowed to join. It is pleaded that the applicant had completed 240 days of service and no retrenchment compensation was paid to him, nor one month notice was given. Thus the management has violated the provision of Section 25-F of the I.D. Act. The workman, therefore, prayed that he be reinstated in service with full backwages and other benefits.

3. In Written Statement, the Management has taken the plea that the applicant had voluntarily relinquished his services and he joined the Army Postal Service and thus he is not a workman qua the Management and he has given the undertaking at the time of his relieving that he will have no claim for retransfer to parent cadre in case of any premature discharge from Army Postal Service.

It is further pleaded that applicant is not a workman and he cannot claim the benefit of I.D. Act, 1947 and his case does not fall within the definition of retrenchment as there was no relation of Master and Servant. It is prayed that the reference be rejected.

4. The replication was filed by the applicant reiterating the claim made in the claim statement.

5. In evidence applicant filed his own affidavit Ex. W1 in rebuttal the Management examined M. S. Rana who filed his affidavit Ex. M3. In cross examination the workman admitted Ex. M1 which is the undertaking submitted by the applicant at the time of relieving to join Army Postal Service.

6. I have heard Learned Counsel for the parties and have gone through the evidence and record of the case.

7. The Learned Counsel for the Management has argued that the applicant himself left the service of the Postal Department and joined the Army Postal Service at the time of relieving also he has given an undertaking which he also admitted during his cross-examination. The undertaking is reproduced below.

"I, Ishwar Chand EDDA Churru S/o Sh. Datta Ram resident of Vill. Churru P.O. Churru Teh. Amb Distt. Una (H.P.) hereby declare that I will have no claim for retransfer to parent Department/Division and in case of any pre-mature discharge from APS, I will have no claim in Group 'D', 'C' Post in Civil

but also loose the EDA Ship to which regular appointment would have otherwise been made in the normal course".

It is further argued by the learned counsel for the management is that the applicant is also not a workman under the provisions of the I.D. Act, 1947 and the provisions of the I.D. Act, 1947 are not applicable as he is governed by the Extra Departmental Agents (Conduct and Service) Rules, 1964 and EDAs are not the workman. For his arguments he has relied on the judgement of the Hon'ble Supreme Court in the case of Sub Divisional Inspector of Post Vaikam and Ors. etc. Vs. Theyyam Joseph etc. reported in 1996 (JY) (2) S. C. 457 in which it has been held that Extra Departmental Agents are not workman under the I. D. Act and provisions of the I.D. Act are not applicable. I have gone through the judgement of the Hon'ble Supreme Court carefully. The Hon'ble Supreme Court has categorically held that EDAs are civil servants regulated by the EDA (Conduct Rules) and they do not belong to the category of the workman attracting the provisions of the I.D. Act. In the written arguments submitted by the workman no contradictory judgement has been cited. Thus following the judgement of the Hon'ble Supreme Court referred to above, it is held that the applicant is not a 'workman' under the I.D. Act, 1947 and the applicant cannot maintain the reference. The reference is answered against the workman. Appropriate Authority be informed.

Chandigarh.

S. M. GOEL, Presiding Officer

नई दिल्ली, 16 जुलाई, 2003

का. आ. 2294.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचाट (संदर्भ संख्या 56/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2003 को प्राप्त हुआ था।

[सं. एल-40012/5/93-आई आर (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 16th July, 2003

S.O. 2294.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 56/94) of the Central Government Industrial Tribunal/Labour Court, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Deptt. of Post and their workman, which was received by the Central Government on 16-07-2003.

[No. L-40012/5/93-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

PRESIDING OFFICER: Shri S. M. Goel

Case No. I.D. 56/94

Budhi Parkash C/o Shri S. D. Aggarwal, House No. 3115,
Sector 38-D, Chandigarh. Applicant.

Versus

Sub Divisional Inspector, Post Office, Amb, District Una
(HP) ... Respondent

APPEARANCES:

For the workman : Shri M. S. Gorsli

For the management : Shri K. K. Thakur

AWARD

(Passed on 16-6-2003)

Central Govt. vide notification No. L-40012/5/93-
IR(DU) dated 13th of July, 1994 has referred the following
dispute to this Tribunal for adjudication :

“Whether the action of the management of Sr.
Supdt. of Post Offices, Hamirpur in terminating
the services of Shri Budhi Parkash son of Shri
Durga Dass from the post of E.D. Packer w.e.f.
11-8-1992 is legal and justified? If not, what relief
he is entitled to and from what date?”

2. In the claim statement it is pleaded by the
applicant that he was engaged as E.D. Packer Thathal Sub
Office (Una) w.e.f. 23-1-1991 vice Shri Durga Dass E.D.
Packer who proceeded on retirement from service and he
worked till 11-8-1992 when his services were terminating
without complying the provisions of the I.D. Act, 1947
although he had completed more than 240 days of service
in one calendar year. It is further pleaded that one Bharat
Pal was appointed in his place. Thus the management also
contravened the provisions of Section 25-H of the I. D.
Act. He has thus prayed that the management be directed
to reinstate the workman in service with full backwages
and other benefits.

3. In the written statement, the management has
taken the preliminary objection that the applicant was
governed by the rules called the Posts and Telegraphs
Extra Departmental Agents (Conduct and Service) Rules,
1964 and the Labour Court has no jurisdiction to decide
this reference. It is further stated that the applicant was
appointed on provisional basis and after the regular
selection of Bharat Pal Sharma the services of applicant
were dispensed with and provisions of Section 2(oo) or
Section 25 of the I.D. Act were not attracted in the present

case. It is further pleaded that relationship of master and
servant did not exist between the parties and services of
the applicant were terminated in accordance with the
conditions of appointment as per the relevant rules. It is
prayed that there is no merit in the reference and the same
deserves rejection.

4. Replication was also filed by the applicant
reiterating the claim made in the claim statement.

5. In evidence the applicant filed his own affidavit
Ex. W1 and appeared for cross-examination as WW1. He
has admitted in cross-examination that he was appointed
as E.D. Packer and he handed over the charge to Bharat Pal
Sharma. In rebuttal the management examined Shri N. S.
Rana MW1 who filed his affidavit Ex. M2 in evidence.

6. I have heard learned counsel for the parties and
have gone through the evidence and record of the case.

7. It is admitted case of the parties that applicant
was appointed as E.D. Packer and when regular selection
was made he handed over the charge to Bharat Pal Sharma.
It is also admitted that the applicant completed 240 days of
service in one calendar year with the management. It is
also admitted that no retrenchment compensation was paid
at the time of termination of the services of the workman.
The learned counsel for the management has argued that
the workman was appointed as E.D. Packer and under the
provisions of the I.D. Act, 1947, applicant is not workman
and provisions of I.D. Act, 1947 are not applicable as he is
governed by the Extra Departmental Agents (Conduct and
Service) Rules, 1964 and EDAs are not the workman. For
his arguments he has relied on the judgement of the Hon'ble
Supreme Court in the case of Sub Divisional Inspector of
Post Vaikam and Ors. etc. Vs. Theyyam Joseph etc. reported
in 1996 (JT) (2) S.C. 457 in which it has been held that Extra
Departmental Agents are not workman under the I.D. Act
and provisions of the I.D. Act are not applicable. I have
gone through the judgement of the Hon'ble Supreme Court
carefully. The Hon'ble Supreme Court has categorically
held that EDAs are civil servants regulated by the EDA
(Conduct Rules) and they do not belong to the category of
the workman attracting the provisions of the I. D. Act. In
the written arguments submitted by the workman no
contradictory judgement has been shown. Thus following
the judgement of the Hon'ble Supreme Court referred
above, it is held that the applicant is not a 'workman' under
the I.D. Act, 1947 and the applicant can not maintain the
reference. The reference is answered against the workman.
Appropriate Authority be informed.

Chandigarh.

Dated: 16-6-2003.

S. M. GOEL, Presiding Officer

नई दिल्ली, 16 जुलाई, 2003

का. आ. 2295.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नोर्थ रेलवे, अम्बाला कैंन्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचाट (संदर्भ संख्या आई. डी. 93/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-7-2003 को प्राप्त हुआ था।

[सं. एल-41012/141/91-आई.आर. (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 16th July, 2003

S.O. 2295.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (ID No. 93/98) of the Central Government Industrial Tribunal/Labour Court, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of N. Rly. Ambala Cantt. and their workman, which was received by the Central Government on 15-07-03.

[No. L-41012/141/97/IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

PRESIDING OFFICER : Shri S. M. Goel

Case No. ID 93/98

Jagdish Ram, H. No. C-34, Shastri Nagar,
Ambala Cantt. 133001. Applicant

Versus

The Asstt. Mechanical Engineer, N. Rly.
Ambala Cantt. 133001. Respondent

REPRESENTATIVES :

For the workman : Shri V. K. Verma
For the management : Shri P. P. Khorana

AWARD

(Passed on 10-6-2003)

The Central Govt. Ministry of Labour vide Notification No. L-41012/141/97-IR (B.I) dated

4th May, 1998 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Divisional Mechanical Engineer, N. Rly. Ambala Cantt. in imposing penalty of removal from services w.e.f. 1-5-95 on their workman Sh. Jagdish Ram, an Ex-Diesel Assistant for unauthorised absence is just and legal ? If not to what relief the workman is entitled and from which date ?”

2. In the claim statement it is pleaded by the applicant that he was working as Diesel Assistant with the Management and he had to remain on leave for the period from 23-4-94 to 2-2-96 due to serious ailment of his father. That the applicant was charge-sheeted for remaining absent without leave and the charge-sheet was duly replied by the applicant. The enquiry was conducted in most illegal manner. The applicant was not allowed Assistance of a defence assistant and the management did not lead any evidence to prove the charges against the workman. The applicant was called upon to produce his evidence. The certificate produced by the applicant regarding his illness was not considered by the enquiry officer. The enquiry officer conducted the enquiry in a biased manner and wrongly recorded that the applicant admitted the allegations against him and on the basis of illegal enquiry the workman was wrongly removed from the service on 25-4-95. The appeal was also rejected without giving a personal hearing to the workman. It is further pleaded that punishment is excessive and disproportionate to the alleged misconduct. He has thus prayed that he be reinstated in service with full back wages and other benefits.

3. Along with the claim statement the applicant also filed his affidavit reiterating the claim made in the claim statement.

4. In written statement it is pleaded by the management that the applicant was habitual for remaining on unauthorised absence and he admitted in the enquiry that the remained absence unauthorisedly from duty w.e.f. 23-5-94. Enquiry officer was appointed and enquiry officer conducted the enquiry in accordance with the principles of natural justice. After considering the enquiry report the punishment authority imposed punishment of removal from service. The appeal was also rejected as the applicant failed to produce any new facts. The punishment was also not excessive. The management thus prayed for the rejection of the reference.

5. It may be pertinent to mention here that during the proceedings in this court the applicant had expired and his Lr's have been taken on record which include his mother and son Sharad Kumar.

6. The management also placed affidavit of Sh. Naval Kishore Tripathi in evidence.

7. Arguments have been heard on the fairness of the enquiry. Ld. counsel for the workman (deceased) has argued that no enquiry has been conducted and it is only an eyewash. I have gone through the two page enquiry placed on the record by the management. In this enquiry proceedings the applicant admitted the charge and on the basis of this the applicant was removed from the service. The Ld. counsel for the workman has not pointed out any latent and patent defect in the conduction of the enquiry and nor any violation of principle of natural justice has been pointed out. In the enquiry dated 26-10-94 the applicant admitted his guilt and a copy of the proceedings had also been given to him. I find no infirmity in the conduction of the enquiry and it is held that the enquiry has been conducted in a fair and proper manner.

8. The Ld. Counsel for the workman had further argued that the punishment is excessive and it is disproportionate to the misconduct of remaining absent. It is admitted fact that workman has expired and left behind his mother and son it is also evident in the enquiry proceedings that certificate of illness was produced by the workman during the enquiry proceedings but that was not taken into consideration by the enquiry officer. The punishment of removal is too harsh in such like cases. Taking into consideration the facts and circumstances of the case especially when the workman had expired I find it necessary to interfere in the punishment part of the case. Exercising the powers U/S 11-A of the I.D. Act, 1947 the punishment of removal is substituted with stoppage of one increment for a year but he will not be entitled to any back wages for the entire period from the date of removal from service as he has not worked. He has already expired therefore, order of reinstatement can not be passed. The management may consider employment for his son in the given circumstances on compassionate grounds. The reference is answered accordingly. Appropriate Authority be informed.

Chandigarh.

Dated: 10-6-2003 S. M. GOEL, Presiding Officer

नई दिल्ली, 16 जुलाई, 2003

का. आ. 2296.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. बी. एम. बी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचाट (संदर्भ संख्या 51/90) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2003 को प्राप्त हुआ था।

[सं. एल-42012/178/89-डी. 2(बी)]
कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 16th July, 2003

S.O. 2296.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the award (Ref. No. 51/90) of the Central Government Industrial Tribunal/Labour Court, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of B. B. M. B. and their workman, which was received by the Central Government on 16-7-2003.

[No. L-42012/178/89-D. 2(B)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Presiding Officer

Shri S. M. Goel

Case No. I. D. 51/90

Jagtar Singh through R. K. Singh, General Secretary, Nangal Bhakra Mazdoor Sangh, Head Office Nangal Township.
..... Applicant.

Versus

Chief Engineer, Bhakra Dam Nangal Township District Ropar.
..... Respondent.

APPEARANCES

For the workman : Shri R. K. Singh.

For the management : Shri R. C. Sharda with
R. C. Attri.

AWARD

(Passed on 1-7-2003)

Central Govt. vide notification No. 42012/178/89-D-2 (B) dated 24th April, 1990 when the ref. was received by post in the Central Government has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of the BBMB represented through the Chief Engineer, Irrigation Wing in terminating the services of Shri Jagtar Singh son of Shri Sewa Singh w.e.f. 30-4-1987 is justified ? If not then what relief the workman is entitled to and with what effect ?”

In the claim statement it is pleaded by the workman that he was appointed as mason grade-I on daily wage basis w.e.f. 4-5-1984 in the township division and worked there till 30-4-1987. He further pleaded that although he had completed more than 240 days of service in one calendar year, yet his services have been terminated by the management without following the mandatory provisions of Section 25 F of the I. D. Act, 1947 as no notice, notice

pay and retrenchment compensation was given to him at the time of his termination. He also submitted that new hands were recruited in his place. He, therefore, prayed that he be reinstated in service with full backwages and other benefits.

3. The management in the written statement pleaded that the workman had not completed mandatory 240 days of service in one calendar year, therefore, no notice or notice pay and retrenchment compensation was to be paid. His name also did not figure in the seniority list as at the time of preparing the seniority list on the directions of the Hon'ble H. P. High Court, the workman was not in service. It is also pleaded that no new hands were employed and the management also took the workman on duty w.e.f. 19-3-1991 and it is prayed that there is no merit in the reference and the same be rejected.

4. Replication was also filed by the workman reiterating the claim made in the claim statement and details of working days from 6/86 to 4/87 has been given and it is pleaded that the applicant had put in 245 days of service during this period.

5. In evidence the applicant filed his own affidavit Ex. W1 and he admitted in his cross-examination that he is working in the BBMB from 19-3-1991. In rebuttal the management filed the affidavit of K. V. S. Thakur as M1.

6. I have heard the learned representatives of the parties and have gone through the evidence and record of the case.

7. The learned rep. of the workman has drawn my attention to letter dated 22-1-1990 produced by the management wherein it has been certified by the S.D.O. Construction Sub-Division that the workman had put in 224 and half day of service from the period 6-86 to 4-87 and details also given by the concerned SDO and the learned rep. has argued that at the time of termination no notice, notice pay in lieu of notice and retrenchment compensation was paid to the workman, therefore, the management has violated the mandatory provisions of Section 25-F of the I.D. Act, 1947 and the workman deserves to be reinstated in service with full back wages and other benefits. On the other hand Learned Representative of the Management has argued that in view of the instruction of the Hon'ble H.P. High Court a policy was framed and seniority list had been prepared and as workman is not covered in that policy so he has no right to claim the post. The Learned Representative of the Management also argued that the applicant has given the affidavit duly attested by the Magistrate Nangal and he undertake that if he is given the appointment he will not claim back wages and in view of that affidavit submitted by the workman, the Management appointed the applicant on regular basis, therefore, the applicant due to his conduct should be debarred to pursue the present reference. I have gone through the contention

of the Learned Representatives of the parties. There is no denying the fact that the applicant was given appointment on regular basis w.e.f. 29-9-1998. It is also admitted fact that earlier to this he was working on daily wages with the Management and he was taken back in service w.e.f. 19-3-1991. The only claim which the workman is demanding now back wages from 5/87 to 19-3-1991. It is proved on the record that the applicant had put in 244 and half days of service from 5/86 to 4/87 and no retrenchment compensation, notice or notice pay was given to the workman, therefore, to my mind the workman is entitled to be reinstated in service w.e.f. 5/87 but in view of the fact that he was on daily wages, and taking into consideration the conduct of the applicant, the workman is not entitled to any back wages. The reference is answered accordingly, Appropriate Authority be informed.

Chandigarh.

S. M. GOEL, Presiding Officer

नई दिल्ली, 16 जुलाई, 2003

का. आ. 2297.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. बी. एम. बी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचाट (संदर्भ संख्या 76/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2003 को प्राप्त हुआ था।

[सं. एल-42012/174/92-आई. आर. (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 16th July, 2003

S.O. 2297.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 76/94) of the Central Government Industrial Tribunal/Labour Court, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of B. B. M. B. and their workman, which was received by the Central Government on 16-7-03.

[No. L-42012/174/92-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT CHANDIGARH

Presiding Officer :

Shri S. M. Goel

Case No. I. D. 76/94

Sh. Balbir Singh C/o Sh. R.K. Singh, President, N.B.M.S. Nangal Township., Distt. Ropar (Pb.) Applicant.

V/s

Chief Engineer, Bhakra Dam B.B.M.S. Nangal Township, District Ropar (Pb.) Respondent

REPRESENTATIVES

For the workman : Shri R. K. Singh

For the management : Shri R. C. Attri

AWARD

(Passed on 02-07-2003)

The Central Govt. Ministry of Labour vide Notification No. L-42012/174/92-I.R. (D.U.) dated 3rd August, 1994 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Chief Engineer, B.B.M.B., Nangal Township in terminating the services of Shri Balbir Singh S/o Sh. Dasondhi Ram, Daily wages Carpenter w.e.f. 4-6-1990 and subsequently on 31-10-90 is justified? If not, to what relief the concerned workman is entitled to?”

It is submitted by the applicant in his claim statement that he was employed as Carpenter Grade-II since 11/88 and he was allowed to work upto 4-6-90. It is also submitted that he was not allowed to work during the months of 12/88, 1/89, 4/89, 10/89 yet he put in 240 days of service. It is also pleaded that no retrenchment compensation was paid at the time of compensation nor any one month notice or notice pay was paid. Moreover the management also violated the provision of Section 25-N of the I.D. Act as no provision has been obtained from the Government. Fresh hands were also recruited. The applicant thus has prayed for his reinstatement in service with full back wages.

3. The Management in the written statement has taken preliminary objection that the applicant has filed a civil suit No. 173 on 19-11-1990 for the same cause of action which was decided by the senior Sub-Judge Ropar on 15-6-1992. On merits it is pleaded that workman never completed 240 days in 12 calendar month and no junior to the applicant was allowed to continue. It is further pleaded that one month notice was served upon the applicant and notice pay/last pay was offered to the workman but he failed to receive the same. The applicant also filed a writ petition in the High Court for same cause of action but the same was dismissed. The Management Prayed for the dismissal of the reference.

4. Rejoinder was also filed by the Applicant reiterating the claim made in the claim statement.

5. In evidence applicant filed his own affidavit as Ex. W1 and documents Ex. W2 to Ex. W6. In cross examination the applicant admitted that he had filed a civil suit in the court of Sub-Judge Ropar against his

retrenchment which was dismissed on 15-6-1992. In rebuttal the management filed the affidavit of P.K. Ahluwalia.

6. I have heard the arguments of the parties on the preliminary objection regarding filing of civil suit by the applicant for the same cause of action and also gone through the judgement of the senior Sub-Judge Ropar dated 15-6-1992. It is admitted by the workman himself that he filed a civil suit in the court of senior of Sub-Judge against his termination. One of the issues in the civil suit was whether the plaintiffs had completed 240 days of service before their date of retrenchment and are entitled to the benefit of Section 25F of the Industrial Disputes Act, 1947. It was held while deciding this issue that the applicant has not completed 240 days in one calendar year and thus the management was not bound to comply with the Section 25F of the I.D. Act and this was decided against the workman. The Learned Representative of the Management has argued that once the applicant has availed the remedy of the Civil Court, the applicant is debarred from raising the reference in this Tribunal and this would amount to *Res-judicata*. On the other hand the learned Representative of the workman has drawn my attention to the judgement of Hon'ble Supreme Court in the case of the Rajasthan State Road Transport Corporation and another *Vs.* Krishan Kant and other Reported in 1995(2) SLR 784. It is held by the Hon'ble Supreme Court in para 23 of the Judgement that if the dispute is an Industrial Dispute arising out of a right or liability under the general or common law and not under the Act, the jurisdiction of the Civil Court is alternative, leaving it to the election of the suiter concerned to choose his remedy for the relief which is competent to be granted in a particular remedy. In the case in hand the applicant choose to challenge his termination in the Civil Court and the Civil Court dismissed his suit and reject his claim for reinstatement as he failed to prove that he had worked for more than 240 days during one calendar year immediately preceding to the date of termination. The judgement of the Civil Court has already attained finality as it has never been challenged in any superior court. Thus in my considered opinion the applicant has already availed his remedy, he is therefore debarred from raising the present reference and the present reference is very much covered under the principle of *Res-judicata*. The workman is thus not entitled to maintain the present reference and the reference is according returned to the appropriate authority. Appropriate Govt. be informed.

Place : Chandigarh.

S. M. GOEL, Presiding Officer

नई दिल्ली, 16 जुलाई, 2003

का.आ. 2298.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. बी. एम. बी.

के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचाट (संदर्भ संख्या 112/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-7-2003 को प्राप्त हुआ था।

[सं. एल-42012/68/92-आई. आर. (डी.यू.)]
कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 16th July, 2003

S.O. 2298.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 112/93) of the Central Government Industrial Tribunal/Labour Court, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of B. B. M. B. and their workman, which was received by the Central Government on 16-7-2003.

[No. L-42012/68/92-IR (DU)]
KULDIP RAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Presiding Officer : Shri S. M. Goel

Case No. 112/93

Smt. Veena Kumari, C/o Sh. R.K. Singh Parmar, President
Nangal Bhakra Mazdoor Sangh, Nangal Township, Distt.
Ropar (Pb.)-140001. Applicant.

V/s

Chief Engineer, Bhakra Beas Management Board, Nangal
Township, District Ropar (Pb.)-140001 Respondent.

REPRESENTATIVES

For the workman : Shri R. K. Singh

For the management : Shri R. C. Sharda

AWARD

(Passed on 25-6-2003)

The Central Govt. Ministry of Labour vide
Notification No. L-42012/68/92-I.R. (DU) dated 20th

September 1993 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Bhakra Beas Management Board, Nangal Township, Distt. Ropar (Pb.) in terminating the services of Smt. Veena Kumari, Time Clerk w.e.f. 26-2-85 is legal and justified? If not, what relief she is entitled to and from what date?”

Today the case was fixed for evidence of the parties. The rep. of the workman has filed an application and made a statement that the workman does not want to pursue with the present reference as he wants to raise the dispute U/S 25-H and the same be dismissed as withdrawn. In view of the statement of the rep. of the workman, the present reference is returned to the Ministry as withdrawn with a liberty to raise the appropriate reference. Central Govt. be informed.

Chandigarh
25-6-2003

S.M. GOEL, Presiding Officer

नई दिल्ली, 16 जुलाई, 2003

का.आ. 2299.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दो बैंक ऑफ राजस्थान लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जयपुर के पंचाट (संदर्भ संख्या सी.जी.आई.टी. 24/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-7-2003 को प्राप्त हुआ था।

[सं. एल-12012/162/96-आई. आर. (बी-1)]
अजय कुमार, डैस्क अधिकारी

New Delhi, the 16th July, 2003

S.O. 2299.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Case No. CGIT-24/2000) of the Central Government Industrial Tribunal/Labour Court, Jaipur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of The Bank of Rajasthan Ltd. and their workman, which was received by the Central Government on 15-7-2003.

[No. L-12012/162/96-IR (B-1)]
AJAY KUMAR, Desk Officer

ANNEXURE
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT
JAIPUR

Case No. CGIT-24/2000

Reference No. L-12012/162/96-IR(B-I)

Sh. Rajesh Kumar Pareek
 S/o Sh. Shankar Lal Pareek
 C/o Sh. Rishabh Chand Jain, BMS Rajasthan,
 42, Patel Colony, Sardar Patel Marg,
 C-3, Scheme Jaipur (Raj.)Applicant

Versus

The Chairman,
 The Bank of Rajasthan Ltd.,
 Head Office,
 C-3, Sardar Patel Marg,
 Jaipur (Raj.)Non-applicant

PRESENT:

Presiding Officer : Sh. R. C. Sharma.
 For the Applicant : Sh. R. C. Jain
 For the Non-applicant : Sh. Alok Fatehpwlia.
 Date of Award : 16-06-2003.

AWARD

The Central Government in exercise of the powers conferred under clause D of Sub-section 1 of Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act), has referred the following dispute for adjudication to this Tribunal which runs as under :—

“Whether the action of the management of the Bank of Rajasthan Ltd., Jaipur in terminating the services of Shri Rajesh kumar Pareek is legal and justified? If not, to what relief is workman concerned entitled and from which date?”

2. The applicant-workman, in brief, has pleaded that he was employed on 29-6-94 to the post of the clerk under Non-applicant No. 2 who performed the work of ledger posting, despatch and making the entries into the passbook. He was paid as the part-time employee, but more work was taken by him. He has alleged that he worked up to 24-12-94, it was Sunday on 25-12-94 and his service was terminated w.e.f. 26-12-94 without giving him one month's notice nor he was paid in lieu of such notice. He has further averred that at the time of his termination, the junior employees to him, named as Anukalp Goswami and Kuldeep Singh were working with the non-applicant management, and subsequent to his termination, employees like Kailash Meena and Ashok were recruited. According to his averments, the non-applicants have violated the provision under Section 25-G and 25-H of the Act. The workman has claimed that his termination dated 26-12-94 may be declared unjustified and illegal and he be reinstated in the service

with full back-wages along with the continuity of the service.

3. In reply, contesting the claim the non-applicants have stated that as per the bipartite settlement, the workman was employed for a fixed term for performing the work of passbook writer and for this post the students or the retired employees only were eligible. It has been further stated that on 29-6-94, at the time of his employment, the workman was a student of graduation who could be employed for a maximum period of 180 days and he was required to work 2 hours a day and in total 12 hours per week. The stand of the non-applicants is that the workman was not employed as a regular employee of the bank, who can only be employed under the rules of the management and after the expiry of the fixed term, his employment automatically came to an end. It is further stated that the workman performed only the job of the passbook writer and since 1-1-96 no such post exists in the non-applicant management, which has been completely computerized. The non-applicants have denied that the workman has ever worked for a period of 240 days in a year and names of the employees disclosed by the workman in the statement of claim are wrong.

4. On the pleadings of the parties, following points for determination were framed:—

(I) आया प्रार्थी की नियुक्ति विपक्षी बैंक में अप्रार्थी संख्या-2 के अधीन दिनांक 29-6-94 को लिपिक के पद पर हुई थी ?

(II) आया प्रार्थी की नियुक्ति विपक्षी बैंक में पार्ट टाइम पास बुक राईटर के कार्य हेतु बैंक कर्मचारियों के राष्ट्रीय संगठनों और इण्डियन बैंक एसोसिएशन के मध्य हुए द्विपक्षीय समझौते के अनुसार एक निश्चित अवधि के लिए की गई थी, यदि हां तो इसका प्रभाव ?

(III) आया अप्रार्थी के द्वारा प्रार्थी सेवा समाप्ति अधिनियम, 1947 की धारा 25-जी एवं औद्योगिक विवाद (केन्द्रीय) नियम, 1957 के नियम-77 का उल्लंघन कर की गई ?

(IV) प्रार्थी किस सहायता को प्राप्त करने का अधिकारी है ?

5. In the evidence, the workman has filed his own affidavit, whereas on behalf of the non-applicants, the counter-affidavits of Sh. Rajesh Kaushik, Vice-Principal of SG Pareek PG College, Jaipur and Sh. Mali Ram Mehrwal, Chief Manager of the non-applicant bank have been filed.

6. No documentary evidence could be adduced on behalf of the workman. The non-applicants have filed as many as 12 documents, out of them Ex. M-1 is the application for appointment filed by the workman, Ex. M-2 is the certificate dated 11-7-94 filed by the workman that he was a student of the 3rd year in the year 1993-94, Ex. M-4 to M-10 are the copies of the registers of employment, Ex. M-11 is the appointment order dated 23-9-94 and Ex. M-12 is the copy of the lecturer register.

7. I have heard both the parties and have gone through the record. The point-wise decision is as follows :—

Points No. I & II

8. Both these connected points are discussed together.

9. The Ld. representative for the workman contends that the workman was appointed on temporary basis on 29-6-94 who worked up to 24-12-94, but his service was terminated in violation of Section 25-G and Section 25-H of the Act. He further submits that the plea of the management that it was a fixed term appointment is not proved on the basis of the appointment letter dated 23-9-94 Ex. M-II, which is issued after the termination of the workman for keeping him away from the range of retrenchment. Another ground for challenging this order, the Ld. representative has pointed out, is that there is no acceptance of this order on the part of the workman and the place of his signature is lying vacant. His further contention is that the testimony of the workman on this point is trustworthy, whereas the witnesses examined on behalf of the management could not be able to prove this fact. The Ld. representative has further argued that the facts that the workman was appointed as passbook writer and that he was a student at the time of his appointment have also not been proved. According to his contention, in the certificate Ex. M-2, there is a material cutting of the letter “२” and it has been substituted as “३”. Thus, as per his contention, the termination of the service of the workman amounts to retrenchment. At the time of his termination junior employees were working and after the termination new appointments have been made by the non-applicants. Hence, he is entitled for reinstatement.

10. Controverting the submissions made on behalf of the workman, the Ld. representative for the non-applicants urges that both the parties are governed by para 20.4 of the bipartite settlement dated 19-10-66 according to which only students and retired persons were eligible to be employed as the passbook writers and while following it, the management had employed the workman for a fixed term which could extend up to 180 days only and after the expiry of this term, the employment automatically came to an end. As such, the said employment falls outside the definition of the retrenchment.

11. I have given my thoughtful consideration to the rival contentions and have carefully perused the judicial pronouncements referred to by both the parties.

12. Now, the question which crops up for determination is whether the termination of the workman tantamounts to the retrenchment as defined under Section 2(oo) of the Act or it was a fixed term appointment falling under sub-clause (bb) to Section 2 of the Act.

13. As has been earlier pointed out, no documentary evidence has been adduced on behalf of the workman. The non-applicant management in support of its stand has

placed Ex. M-II, the appointment letter dated 23-9-94 which says that the workman with reference to his application dated 29-6-94 is appointed on temporary basis as a part-time passbook writer for 12 hours work per week or 180 days from 29-6-94 to 25-12-94. It also contains the pay and DA admissible to the workman. This order bears the date as 23-9-94. At the foot of the order, the column of the acceptance runs as under “I accept the above appointment.....” The column for the signature of the applicant is lying vacant. It is on this ground that the Ld. representative for the workman has challenged that this order was issued subsequent to the termination of the workman.

14. It is true that the column for the signature of the applicant is lying vacant, but this order bears the date as 23-9-94 and further it carries the reference No. as ROC/UC/24/2125/94 which indicates that it was issued on 23-9-94. It is not in dispute that the workman was appointed on 29-6-94 and was terminated on 26-12-94. Therefore, the submission made on behalf of the workman that this order was issued subsequent to the termination of the workman *ex facie* appears to be untenable. Undoubtedly, it has not been issued prior to the joining of the workman, but its reason has been assigned on behalf of the non-applicants that the matter was forwarded to the higher authorities for approval. The delay in issuing this order may be suggestive of the lethargic approach of the Department in the official routine work, but under these circumstances that it carries the reference No. and that it was issued in the regular course of the official functioning, it does not become clouded. The non-bearing of the signature of the applicant for according the acceptance has further been explained by the Ld. representative for the non-applicants that Ex. M-I I is merely a copy of the original order, and the original order was sent to the higher authorities. However, on the facts that it carries the reference No. and the date prior to the termination of the workman. Its genuineness cannot be disbelieved.

15. The fact of the temporary appointment is further proved by the declaration form annexed with the applicant form of the workman. This declaration contains the expressions “for part-time temporary appointment in the bank”. It fortifies the stand adopted by the non-applicants that the workman was appointed as a part-time employee.

16. It has also been argued with force on behalf of the management that in pursuance of para 20.4 of the bipartite settlement dated 19-10-66, the bank could only appoint the students or the retired persons in the capacity of the passbook writers. The relevant para runs as under :—

“Notwithstanding anything contained in paragraph 498 of the Sastry Award for pass-book writing, all banks will be free to employ part-time clerks as pass-book writers. Apart from such persons already in employment, in future only students and retired persons (but in any case no person already in

employment elsewhere) will be engaged by banks for this purpose. Their hours of work will not exceed 12 hours in a week."

17. In support of this submission on behalf of the management, the Ld. representative has drawn my attention towards the certificate Ex. M-2 which states that it is certified that Sh. Rajesh Kumar Pareek S/o Sh. Shankar Lal Pareek is the student of 3rd year in the year 1993-94 in this college. It is signed by Sh. Rajesh Kaushik as the Principal of the said college and it was issued on 1-7-94. This fact stands undisputed that this certificate was filed by the workman along with his application form before the bank authorities for considering his appointment in the bank. It shows that as per the requirement enshrined in para 20.4, the workman was required to submit a proof that he was a student for the purpose of his appointment with the non-applicant management.

18. The Ld. representative for the workman has assailed this certificate on the ground that the letter "ये" has been erased and the letter "है" has been inserted. Therefore, he submits that at the relevant time, the workman was not a student and this erasure has been introduced subsequent to the filing of the certificate. Now, this fact has to be assessed after scrutinizing the evidence adduced in this regard.

19. The workman in his cross-examination has stated that when he filed the certificate Ex. M-2 before the bank authorities, then the letter "ये", was not erased. Contrary to it, MW-1, Sh. Rajesh Kaushik, Vice-Principal of the said college, in his affidavit has stated that the certificate Ex. M-2 was issued by him and that the cutting at the place C to D existed at the time when the certificate was issued and he had put his initial as A to B upon it. In the cross-examination he has fairly admitted that in the certificate Ex. M-2 the letter " ये " after erasure has been substituted as "है".

20. This certificate is typed one and the letter "है" is also a typed letter instead of handwritten one. On scrutinizing the evidence it appears that at the time of issuing this certificate, it was corrected by issuing authority MW-1, Sh. Rajesh Kaushik and the erasure has not been introduced subsequent to the issuance of the certificate. Therefore, the genuineness of this document cannot be doubted and the objection raised on behalf of the workman is devoid of substance. This certificate further strengthens the submission made on behalf of the management that the workman was appointed in the capacity of a student and with this object the workman had filed the certificate before the bank authorities and further it also goes to prove that such appointment was made for a fixed term in pursuance of the bipartite settlement.

21. The Ld. representative for the workman has sought to argue that on the date of the appointment i.e. 29-6-94, the workman was not a student at all and has drawn

my attention towards the testimony of MW-1, Sh. Rajesh Kaushik wherein he has admitted in the cross-examination that after February, 94 the workman did not turn up for studies in their college. But in the cross-examination he has further explained that after the session of 1993-94, the workman did not remain a student of the college and that the result of the B.A. Part III for the year 1993-94 was declared in the month of July-August, 94. As is evident, the workman was appointed on 29-6-94, who appeared in B.A. Part III as a student of the said college and the result of the examination was declared in the month of July-August, 94. Therefore, under these circumstances, the workman would be deemed to be a student of the said college up to July-August of the year 1994, till his result was declared. It is only after the declaration of his result that he has left the college. As such, when employed by the management in the month of June, 94, undoubtedly he would be deemed to be a student. Thus, this objection raised on behalf of the workman too is untenable and is rejected.

22. To substantiate the submission that it was a fixed term appointment, the management has also placed on record the copies of the registers of employment Ex. M-4 to M-10. All these documents carry the name of Sh. Rajesh Kumar whose duties have been shown from 3pm to 5pm and all these entries are signed by the workman himself. There is nothing on the record to disbelieve the entries made in the register which are signed by the workman. These entries support the submission made by the non-applicants that the workman was required to perform his duties only for 2 hours a day and in total 12 hours per week. Thus the management has been able to place the concrete documentary evidence on the record.

23. Now remains the oral evidence adduced by both the parties in this context. The workman in his affidavit has disclosed that he was appointed to the post of the LDC who performed the work of the ledger posting, despatch and making entries into the registers and preparing the statements and has denied the fact that he was appointed as the part-time passbook writer. In his cross-examination he has admitted that prior to the joining to the non-applicants, he neither appeared in the test conducted by the Banking Selection Board nor he appeared in any interview. His version, thus, discloses that he was not appointed after due selection. MW-2, Sh. Mali Ram Mehrwal, Sr. Manager of the non-applicant bank has proved the appointment letter Ex. M-11 and the copies of the employment register Ex. M-4 to M-10 and has categorically stated that the workman was not appointed on the regular basis under the prescribed rules and procedures of the bank, but he was employed only a part-time passbook writer. In the cross-examination, he has stated that there is a prescribed procedure for engaging the part-time employees by the bank and the power of appointment lies with the Head Office. Under this procedure, the workman was

appointed as a part-time employee, in his cross-examination, he could not be shaken on this point.

24. On the aforesaid analysis, after scrutinizing the documentary as well as the oral evidence adduced by both the parties, this fact is fully established that the workman was appointed as a part-time employee who performed the work of a passbook writer for a stipulated period.

25. The Ld. representative for the workman in support of his contention has relied upon RLR 2001 (3) 300; 1989 (2) LLM Bombay 690; 1990 (2) LLM Punjab & Haryana 576 & 1997 (3) LLJ Rajasthan 712 and has contended that the termination of the workman amounts to the retrenchment. The facts of the referred cases are briefly exhibited as under :—

26. 1989 (2) LLM Bombay 690 : The Hon'ble Court has expressed its views that the terminations which are included in sub-Clause (bb) are those brought about either because of non-renewal of the contract or because of expiry of time stipulated in the contract of employment. It has further observed that it would be improper and unwise simply to decide the nature of the employment on the basis of the letter of employment issued by the employer. The nature of employment will have to be determined with reference to the nature of duties performed by the workman and type of job the workman was entrusted with.

27. In this case, the petitioners were appointed as Sanitary Inspectors for a period of 11 months ending on 30-11-86 and their appointment were terminated on the same day. They had worked more than 240 days in a calendar year. But in the present case, neither the workman has completed 240 days nor he has performed the duties which were assigned to a regular employee. Exhibits M-4 to M-10, the employment registers indicate that he was required to work only 2 hours a day as per the condition of appointment. Hence, the facts of this case are inapplicable to the present one.

28. 1997 (3) LLJ Rajasthan 712 : In this case, the workman was appointed against a vacant post after due selection and calling applications by advertisement. Initially, he was given appointment for 2 months, but thereafter the period was extended up to 31-3-91. He was removed on 31-3-91 and another person was appointed in his place from the very next day. The Labour Court's finding was that the offer of appointment was made by the Selection Committee after calling application by an advertisement in a newspaper, that the appointment was against a vacant post and that it was not made for the completion of extra work or to meet the situation of extra workload.

29. The Hon'ble Court has held that for the purpose of determining as to whether a particular appointment was on a substantive capacity, the Court has to look into the substance of the matter i.e. the mode of the selection and the nature of the vacancy and it was held that the case of

the workman cannot be said to be covered by Clause (bb) of Section 2(oo) of the Act.

30. Apparently, these facts do not cover the present case, where the appointment was made for a stipulated period.

31. 1990 (2) LLM Punjab & Haryana 596 : In this case, the Hon'ble Court has followed the observation made in Paramjit Chopra Case (Civil Writ Petition No. 7959 of 1987) wherein it was held that a workman who had rendered continuous service with notional breaks for a period of one year during the calendar year preceding the date of termination of service of the petitioner who had actually worked with the bank for not less than 240 days shall be treated to have been in regular employment of the bank.

32. Obviously, the facts of the referred case do not resemble with the present one.

33. On the other hand, the Ld. representative for the non-applicants has relied upon the following judicial verdicts with regard to his submission that the termination of the service of the workman in the case of a fixed term appointment does not tantamount to retrenchment :—

34. 1995 (1) RLR 518 : The facts of the case were that the workman was appointed as apprentice with the respondent and thereafter he was appointed as semi-skilled workman for the post of welder in the regular pay-scale on 2-11-82. When he reported for duty on 16-8-83 after taking his treatment for the accident he had met, he was not allowed to join the duty and was intimated that his service being contractual one had already been terminated. The Hon'ble Court has held that since the petitioner was under contractual employment and this contract of employment came to an end on 8-3-83 by the time he had worked only for 94 days. It was further held that the contractual employment was for meeting the extra work which the company had to perform and the contractual employment for a short duration was not on account of any unfair labour practice and after the term of the contract expired, the company was no longer under obligation to retain the services of the workman.

35. 1996 (1) LLM Rajasthan 222 : It was held in this case that since the petitioner was appointed on temporary post and his name was not sponsored through employment exchange, termination of his service on expiry of contractual period is not retrenchment and he could not claim any legal right of continuity.

36. The submission canvassed on behalf of the non-applicants that after the expiry of the contractual period in the matter of the fixed term appointment, the workman cannot avail the right of continuity, finds assistance from the aforesaid decisions. Thus, it is found to be proved that the workman was appointed for a fixed term with the non-applicant management and after the expiry of the contractual period his claim for reinstatement in the service cannot be

accepted. Looking to these facts, the instant case is covered by the exception of sub-clause (bb) to sub-clause (oo) of Section 2. Accordingly, point no. I is decided against the workman and point no. II is decided in favour of the non-applicants.

Point No. III

37. Although this issue has been framed to the extent of violation of the provision under Section 25-G of the Act only, but since both the parties have pleaded and have thereafter adduced the evidence with regard to the provision contained under Section 25-H of the Act also, I, therefore, deem it proper to proceed to decide both these provisions i.e. the benefits available to the workman under Section 25-G and under Section 25-H of the Act under this issue.

38. The workman has pleaded that at the time of terminating his service, a junior employee to him Sh. Anukalp Goswami was working and after the said termination Sh. Kailashchand Meena and Sh. A. Kumar were recruited by the non-applicant management. In his affidavit, he has reiterated these facts. In the pleadings, the non-applicants have tried to rebut these facts. But in the cross-examination MW-2, Sh. Mali Ram has admitted this fact that when the workman was terminated, Sh. Teekam Chand Yadav was working with the non-applicant establishment as passbook writer since November, 94. So far as the fresh recruitment of Sh. Kailashchand Meena is concerned, this witness has admitted that his name has been entered in the register as passbook writer since December, 94. Thus, it appears to be an admitted case on the part of the management that at the time of the termination of the service of the workman, an employee stated to be junior to the workman named Sh. Teekam Chand Yadav was working with the management and Sh. Kailashchand Meena was working since December, 94 with the management.

39. The Id. representative for the workman on the basis of these facts contends that the department had not published the seniority list which was mandatory in accordance with the paragraphs 507 and 524 of the Sastri Award. Thus, according to his submission, the provisions of the bipartite settlement have not been followed and there is a violation of the provisions contained under Sections 25-G and 25-H of the Act. In support of his contention, the Id. representative has referred to the following decisions:—

40. 1996 (7) SC 181 : The Hon'ble Apex Court has propounded the principle that Section 25-H is capable of application to all retrenched workmen and not merely those covered by Section 25-F of the ID Act.

41. RLR 2001 (3) 300 : In this case the workman was appointed as the messenger on daily wages on 6-10-86, who was removed from the service on 22-2-87 without any notice or retrenchment compensation. The

grievance was made by the workman that his junior was still working and that there is a violation of Section 25-G. The Hon'ble Court has held that even the workman who has not completed 240 days in a calendar year he will fall under the beneficial provision of S.25-H.

42. 1991 (63) FLR SC 245 : In this case the petitioner was directly appointed as an accountant with the establishment whose conditions of service were governed by the regulations made by the Corporation. Since the Managing Director was annoyed with the workman because of his union activities, the workman was chargesheeted and his service was terminated stating that his service is no longer required with one month's pay in lieu of notice to be paid to him. The Hon'ble Court found that the juniors to the petitioner were retained in violation of Articles 14 & 16 of the Constitution and accordingly, the termination order was quashed.

43. 1991 (2) RLR 691 : The Hon'ble Court has observed that Sections 25-G and 25-H are mandatory in nature and they are independent of each other, the violation thereof will have a cause to the workman to claim re-employment, compensation and damages. The workman, in this case was employed with the respondent Text Book Board and his service was retrenched before the completion of 240 days.

44. 1991 (2) RLR 158 : In this case, the Hon'ble Court has held that Sections 25-G and 25-H are applicable even in case of retrenchment of a workman who has not completed 240 days of service. In this case, the workman was employed for a total period of 79 days with the bank. These observations were made on the facts that although the employer had taken the plea that the workman was employed for a fixed term of 79 days, the witnesses adduced on behalf of the management admitted that the workman was employed against a leave vacancy and that no letter of appointment as well as termination letter were given to him.

45. As against these citations relied upon by the Id. representative for the workman, the Id. representative for the non-applicants has urged that the workman was employed for a fixed term, who did not work for full time and the nature of the job has also been admitted by the workman. His contention is that it is not a case of retrenchment but is a case of fixed term appointment and therefore, the provisions under Sections 25-G and 25-H of the Act are not applicable. His further contention is that the claim under Section 25-H of the Act can only be raised by the Union and not by a workman. The Id. representative has relied upon the following decisions:—

46. 1995 (1) RLR 518 : The facts of this case have been briefly narrated at para 34 of the award. The Id. representative for the workman has also relied upon on the same authority in support of his contention on this point, wherein the workman was appointed on the contractual basis and it was held that after the expiry of the contractual

term, his service automatically came to an end and the provision under Section 25-H of the Act was also not applicable in such a case of automatic termination of service.

47. 1996 (73) FLR Rajasthan 1420 : The Hon'ble Court has observed that when the appointment is made for fixed period of one year on *ad hoc* basis as stop-gap arrangements under the rules, the employee does not get the right to continue beyond such fixed period and the rule of "Last come first go" would not apply in such cases. The observation made by the Hon'ble Court runs as under:—

"The grievance for last come first go rule is violated is also unreal. When employees are recruited for fixed period on *ad-hoc* basis, employees employed later have to be allowed to complete the period for which they are appointed. In such cases it cannot be said that no new *ad-hoc* appointment should be made to facilitate continuation in employment of the *ad-hoc* employees earlier appointed beyond the impossible to apply the principle to employment which is given not through any regular process of recruitment but is given at random to those who come to know or are conveniently made to know of existence of any such vacancies and the intention of the authorities to fill them as stop-gap arrangements."

48. 1992 (1) CLR Kerala 356 : The views expressed by the Hon'ble Court in the referred context are as under:—

"Whatever might be the benefit extended to the said employees under S. 25-H of the Industrial Disputes Act, insofar as the petitioners before us are concerned, they have not established any right under S.25-G. Under the said provision, the workmen who have been retrenched, can be re-employed, if certain conditions are satisfied. Basically therefore they must be retrenched workmen. In this context, the definition of 'retrenchment' in S.2(00) is relevant. Under sub-clause (bb) thereof 'retrenchment' does not include termination of the service of the workman as a result of the non-renewal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein. Admittedly, the orders of appointment of the petitioners contain a condition that the employment will be terminated, and will not confer any right for regularization. Therefore, the writ petitioners cannot, as of right, claim any benefit of S.25-H of the Industrial Disputes Act."

49. A peep into the facts of the cases referred to on behalf of the workman shows that in those cases the workmen were not employed for a fixed term. They were appointed as against leave vacancy or on *ad hoc* basis.

Therefore, on termination of their services, the benefits under Sections 25-G and 25-H were considered to be admissible to them. These facts, obviously, are distinguishable from the facts of the instant case, wherein the workman was appointed for the fixed term and after the expiry of the term, the appointment came to an end automatically. Contrary to the rulings cited by the Id. representative for the workman, the non-applicants have referred the authorities wherein it is propounded that when there is a fixed term appointment, then on expiry of the term of appointment, the service of the workman automatically comes to an end and under such circumstances, the benefits under Sections 25-G and 25-H cannot be allowed to him. These views expressed by the Hon'ble Courts fully substantiate the stand adopted by the Id. representative for the non-applicants. As such, the contention raised on behalf of the workman that he is entitled to get the benefit under Section 25-G and 25-H of the Act is untenable and is accordingly rejected.

50. On the basis of the aforementioned analysis, this point is decided against the workman and in favour of the non-applicants.

Point No. IV

51. Since the points, nos. I and III have been adjudicated against the workman, he does not succeed to establish his claim and, accordingly, the reference is answered in the negative. It is held that the action of the management of the Bank of Rajasthan in terminating the service of the workman is legal and justified and an award is passed in these terms.

52. Let a copy of the award be sent to the Central Government for publication under Section 17(A) of the Act.

R. C. SHARMA, Presiding Officer

नई दिल्ली, 16 जुलाई, 2003

का० आ० 2300.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ पटियाला के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचाट (संदर्भ संख्या आई० डी० 29/91) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-7-2003 को प्राप्त हुआ था।

[सं. एल-12012/282/90-आई.आर. (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 16th July, 2003

S.O. 2300.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (ID No. 29/91) of the Central Government Industrial Tribunal/Labour Court, Chandigarh now as shown in the Annexure in the

Industrial Dispute between the employers in relation to the management of State Bank of Patiala and their workman, which was received by the Central Government on 15-07-03.

[No. L-12012/282/90-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

**CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH**

Presiding Officer: Shri S. M. GOEL

Case No. ID 29/91

Sh. Sher Singh Khera S/o Sh. Mohar Singh Khera
Village Mayee Post Hudine Tehsil Narnaul
Distt. Mohindergarh.

..... Applicant

Vs.

General Manager (Operation)
State Bank of Patiala, Head Office, The Mall,
Patiala.-147001.

..... Respondent

REPRESENTATIVES:

For the Workman : Shri Hardy Singh
For the Management : Shri N. K. Zakhmi

AWARD

(Passed on 17-6-2003)

The Central Govt. Ministry of Labour vide Notification No. L-12012/282/90-I.R. (B. 3) dated 22nd February, 1991 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of the State Bank of Patiala in relation to their Satnali Branch in dismissal of Sh. Sher Singh Khera S/o Sh. Mohar Singh Khera, Head-Cashier : Category 'B' w.e.f. 5-12-1987 was just, fair and legal? If not, to what relief the workman concerned is entitled to and from what date?"

2. In the claim statement it is pleaded by the applicant that he was working at Satnali branch of the bank as Head Cashier Category B. On 21-6-1986 one Naresh Kumar approached the counter clerk with a withdrawal form for Rs. 3200/- of Shri Hukma Ram. The counter clerk posted the said withdrawal in the respective ledger and issued token No. 12 and sent it to the branch manager for its further disposal. The branch manager was away for lunch with instruction to the cashier to make the payment. The said withdrawal was debited and posted in the ledger and the token was brought to the applicant and the applicant in good faith made the payment to the said Naresh Kumar. The branch manager later on was in hurry and instead of passing the said withdrawn form ordered the applicant to

tally the cash and deposit the same in the chest and the said withdrawal form shall be disposed off on the next working day. Next working day branch manager resumed his duties and one Shri K. L. Chopra was also with him for opening and checking the cash and the position of that voucher of Rs. 3200/- was explained to him and on instructions from Mr. Chopra the applicant signed the cash report. On the basis of this cash shortage of Rs. 3200/- the applicant was suspended and charge sheet was served on 2-8-1986 and Mr. Goyal was appointed as enquiry officer and the enquiry officer conducted the enquiry in partial manner and the paid enquiry is farce and it is only to hold the applicant guilty. The disciplinary authority and the appellate authority were pre determined to inflict and confirm the punishment of dismissal on the applicant and the shortage of cash on the date is nothing to do with the dismissal of the workman and it was done only on account of personal enmity with the branch manager. The applicant thus prayed that he be reinstated in service with full backwages and other service benefits.

3. In the written statement it is pleaded that the workman was guilty of serious acts of misconduct and charge sheet was issued and his reply was not found satisfactory; the departmental enquiry was instituted against the workman and the enquiry officer after conducting the fair, proper enquiry and after giving full opportunity to the workman submitted his report to the disciplinary authority and the disciplinary authority served a show cause notice of penalty of dismissal on the workman. After considering the reply to the show cause notice the applicant was dismissed from service. The appellate authority also rejected the appeal of the workman. It is prayed that the enquiry has been conducted in a fair and proper manner and the workman was found guilty of fraud of Rs. 3200/- and deserves no leniency and reference be rejected.

4. Replication was also filed reiterating the claim made in the statement of claim.

5. In evidence the applicant filed his own affidavit as Ex. W1 and also documents Ex. D1 to D7 and in cross-examination he also admitted the proceedings of the enquiry Ex. M1. He has also admitted that he alongwith Shri D.L. Sikka attended the enquiry proceedings and he also stated that he never made any complaint in writing against the enquiry officer. He further deposed that he had produced as many as six witnesses during the enquiry. In rebuttal the management produced Shri Subhash Goyal as MW1 who tendered his affidavit Ex. M2.

6. I have heard the learned counsel for the parties and have gone through the entire evidence and record including enquiry proceedings.

7. The learned counsel for the workman has vehemently argued that the entire case was fabricated by the branch manager who was enmical to the applicant and

there was no shortage of the cash and voucher of Rs. 3200 was there in the cash on 23-6-1986 and the enquiry officer just to please his management held the workman guilty of the charge. It is further argued that the workman is victim of politics of the union rivalry. The learned counsel for the management has argued that there is no infirmity in conducting the enquiry proceedings and the enquiry has been conducted in fair and proper manner adhering to the principles of natural justice and the workman was allowed to lead his evidence and he was also allowed to cross-examine the witnesses of the management. The applicant was given full opportunity to defend himself during the course of enquiry and the enquiry officer after pursuing the entire enquiry submitted his report to the disciplinary authority and after show cause notice the penalty of dismissal was imposed upon the workman as the charges were grave and the workman is not entitled to any relief.

8. I have considered the arguments of the learned counsel for the parties. The learned counsel for the workman has not pointed out any latent or patent defect in the enquiry proceedings. The workman examined as many as six witnesses and the findings of the enquiry officer is also based on cogent reasons. It is also evident that before inflicting the punishment of dismissal, a show cause notice was served upon the workman to which the workman replied also and after considering all the facts, the penalty of dismissal was imposed. It is also evident that the appeal of the applicant was also rejected after considering the case of the workman by the appellate authority. The workman was found guilty of charge of fraud of Rs. 3200/- and taking into consideration the grave misconduct of the workman and after perusing the entire proceedings, to my mind, there is no infirmity in the enquiry proceedings and the same has been conducted in fair and proper manner and principles of natural justice have been complied with. Therefore, it is held that enquiry proceedings do not suffer from any of the ingredients which may entitle the enquiry proceedings to be quashed.

9. It is further argued by the learned counsel for the workman that the workman was found guilty of fraud of Rs. 3200 which was not intentional and the Tribunal can exercise its powers U/S 11-A in awarding lesser punishment than that of dismissal. I find no force in the contention of the learned counsel for the workman as in the cases of fraud the workman is not entitled for any sympathy and interference would amount to injustice to the prestige of the financial institutions especially banks where financial transactions take place and public faith is involved. Therefore, no interference can be exercised in the matter of penalty of dismissal and the management rightly awarded the punishment of dismissal. There is no merit in the reference of the workman and action of the management in dismissing the workman from service is just, fair and legal.

The reference is thus answered against the workman. Appropriate Authority be informed.

Chandigarh.

17-06-2003

S.M. GOEL, Presiding Officer

नई दिल्ली, 16 जुलाई, 2003

का. आ. 2301.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन एअरलाइंस लि० के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में राष्ट्रीय औद्योगिक अधिकरण, मुम्बई के पंचाट (संदर्भ संख्या Complaint No. NTB-1 of 1997/ Arising out of Ref. No. NTB-1 of 1990) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-07-2003 को प्राप्त हुआ था।

[सं. एल-22013/01/2003-आई.आर.(सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 16th July, 2003

S.O. 2301.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. complaint No. NTB-1 of 1997/arising out of Ref. No. NTB-1 of 1990) of the National Industrial Tribunal, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Airlines Ltd. and their workman, which was received by the Central Government on 14-07-2003.

[No. L-22013/01/2003-IR (C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE NATIONAL INDUSTRIAL TRIBUNAL AT MUMBAI

PRESENT:

Justice Shri S.C. Pandey : Presiding Officer

COMPLAINT NO. NTB-1 OF 1997

(Arising out of Ref. No. NTB-1 of 1990)

PARTIES:

Shri. R.V. Sawant Complainant

Vs.

Indian Airlines, Mumbai : Opp. Party

APPEARANCES:

For the Complainant : Ms. Kunda Samant, Adv.

For the Opp. Party : Mr. Dixit, Adv.

State : Maharashtra

Mumbai, dated the 20th day of June, 2003

AWARD

1. This is a complaint under section 33-A of the Industrial Disputes Act, 1947 (the Act for short) filed by R.V. Sawant (the workman for short) against the Indian Airlines (the company for short) through its Regional

Directors. The Indian Airlines Ltd. (the company) has not taken any objection that cause title be corrected. This tribunal rightly issued notice to Indian Airlines Ltd. Therefore, in this award the Indian Airlines shall be shown as the opposite party.

2. It is not necessary to give detailed account of the facts stated by the workman in his complaint. Only those facts which are sufficient for disposal of this complaint are being stated hereinafter. The workman was employed as Master Technician with the company since 14-2-1979. The job of the Master Technician is to work upon the electrical equipment of planes and check them under the supervision and control of an Electrical Engineer. It is undisputed that the workman was arrested on 9-9-1996 as he was suspected of being involved in smuggling of 55 gold bars worth Rs. 33 lacs long with one Mr. Kadam. It is also not in dispute that consequent to his arrest the workman was suspended by order dated 12-9-1996. The services of the workman were terminated apparently by a resolution of the Board of Directors in its 23rd meeting held on 25th September 1996. The order dated 3-10-1996 (exhibit M1) was communicated to the effect that the Board of the company had decided to terminate his services with immediate effect. The relevant portion of the memorandum on which the resolution was passed as under :

INDIAN AIRLINES LTD.

25TH SEPTEMBER 1996

23RD MEETING

MEMORANDUM

(Item No. 20. C)

"A report was received from the Western Region, Indian Airlines that on the night of the 8th/9th of September, 1996, Shri R. V. Sawant, Master Technician (Emp. No. 322458) and Shri C. S. Kadam, Engineering Helper (Emp. No. 334669) Western Region were intercepted by the Air Intelligence Unit of the Customs Department, Mumbai, in connection with removal of contraband gold. Fifty five gold bars of 10 tolas each were recovered from aircraft VT-ELW (AB 300) and were found in the possession of Shri C.S. Kadam. Both, Shri R.V. Sawant and Shri C.S. Kadam have admitted to removal of these goods from the hatrack on seat No. 31B of aircraft VTELW which had operated IC 591/A (Hyderabad/Sharjah/Mumbai) and IC 631632 (Mumbai/Karachi/Mumbai) on the 8th of September, 1996. Photocopy of the letter No. SD/INTAIU/116/96 AP-D dated the 11th of September 1996 received from the Assistant Commissioner of Customs (AP) Air Intelligence Unit, Mumbai is attached at Annex-I".

These and other cases of concealment of contraband on board the aircraft have been reported in a large number of newspapers, causing irreparable damage to the reputation of Indian Airlines. Copies of samples of some press clippings are attached at Annex-III.

"These acts are illegal, as well as anti national. More importantly they also pose a threat to security of aircraft and passengers. Removal of panels, putting items in certain portions of the aircraft which are not meant for storage of goods etc., would, in all probability, jeopardize the safety

of the aircraft, and the lives of passengers. Such persons are clearly a security risk. By virtue of being employees of Indian Airlines and their nature of job, such persons have access to aircraft and also undertake flight duties. They have misused the trust imposed in them by their illegal action and have made the property and system of functioning of the Company vulnerable to misuse and external threats. The Company have therefore lost confidence in these persons.

It is therefore, proposed to dispense with the services of Shri C.S. Kadam, Engineering Helper, his accomplice Shri R.V. Sawant, Master Technician, Western Region and Shri. I. Nazeem Peer, Flight Purser, Southern Region, in terms of Service Regulation 13(a)(i) which is reproduced below :—

Service Regulation 13

(a) The services of an employee may be terminated without assigning any reasons to him/her and without any prior notice but only on the following grounds not amounting to misconduct under the Standing Orders, namely :—

- (i) If he/she is, in the opinion of the Corporation (the Board of Directors of Indian Airlines) incompetent and unsuitable for continued employment with the Corporation and such incompetence and unsuitability is such as to make his/her continuance in employment detrimental to the interests of the Corporation.

OR

If his/her continuation in employment constitutes, in the opinion of the Corporation (the Board of Directors of Indian Airlines), a grave security risk making his/her continuance in service detrimental to the interests of the Corporation.

OR

If in the opinion of the Corporation (the Board of Directors of Indian Airlines) there is such a justifiable lack of confidence which having regard to the nature of duties performed, would make it necessary in the interest of the Corporation, to immediately terminate his/her services.

Submitted for approval".

Thereafter, the following resolution was passed :

INDIAN AIRLINES LIMITED *

Extracts from the Minutes of the 23rd Meeting of the Board of Directors of Indian Airlines, Limited held on 25th September, 1996

Item No. 20-C Termination of service—Employees involved in Smuggling Activities

The Board considered the Memorandum giving particulars of incidents in which the 3 employees were involved and was unanimously of the opinion that continued employment of these persons would be highly detrimental to the interests of the Company and the safety of the public travelling in its aircraft.

It was further resolved to terminate their services simpliciter and orders be issued accordingly.

It is not in dispute that the services of the workman were terminated pursuant to aforesaid resolution passed by the Board of Directors under Regulation 13 of the Regulations framed by the Indian Airlines when it was governed by the Air Corporations Act, 1953. The workman was given pay of one month in lieu of notice. The workman claims that termination of his services amounted to violation of Section 33(2) (b) of the Act because of pendency of Reference NTB No. 1 of 1990 before this tribunal. The workman filed this complaint on the ground that the termination of his services was null and void as approval of this tribunal was not sought. It was also pleaded the services of the workmen were not governed by the Service regulations but by the Model Standing Orders upon repeal of the Air Corporation Act, 1953. It was deemed that the Service Regulations ceased to be operative from 25-1-1994 as the Indian Airlines became company. It was governed by Model Standing Orders as the Standing Orders of the company were not certified as such. It was stated that the termination of the service of the workman amounted to punishment without following the principles of natural justice as he was involved in a criminal case. The enquiry could not be dispensed with merely because the workman was involved in smuggling case. Accordingly, the workman claimed reinstatement.

3. The stand of the company is that it was still governed by Regulations. The termination of services of the workman under Regulation 13 of Regulations cannot be called discharge or dismissal for a misconduct. The exercise of power of termination under Regulation 13 of the Regulation is not for committing a misconduct but that power is exercised for the reasons given in the regulation.

4. The power under Regulation 13 of the Regulations can be exercised only by the Board of Directors. Its nature is akin to power of the Governor or the President of India, when they exercise their power under the doctrine of pleasure. It is argued that the terms of Regulation No. 13 of the Regulations envisage extreme conditions giving extra ordinary power to the Supreme Authority to terminate the services of a workman under service Regulation No. 13(a)(1) without any prior notice or without assigning reasons. The grounds do not amount to misconduct. Therefore, it was argued that Section 33 (2)(b) of the Act was not attracted as this was not a case of discharge or dismissal for misconduct.

5. In the opinion of this tribunal, it is not necessary for disposal of this complaint to enter into the controversy if the company could have exercised the power under Regulation No. 13 of Service Regulations framed under the Indian Air Corporation Act, 1953 for the reasons given hereinafter. This tribunal "assumes" that the Service Regulations were applicable and the power under Regulation 13 of Service Regulation was exercised by the Board of Directors.

6. However, much more important question is if the Order of Board was passed by way of punishment. This tribunal has power and jurisdiction to go behind the order to examine the true nature of an order before deciding whether an order passed for a misconduct. It may be seen from paragraph of the memorandum placed before the Board that a report was received against R.V. Sawant as per annexure 1. The annexure 1 is reproduced as follows :

"To

General Manager Personnel, 11-9-1995

Indian Airlines,

Mumbai.

Sir,

Sub " Seizure of contraband gold and arrest of Indian Airlines employee Shri.C.S.Kadam and Shri.R.V. Sawant.

This is to inform you that on 9-9-1996 the officers of Air Intelligence Unit, Sahar Airport intercepted Shri Chandrasekhar Sitaram Kadam, engineering helper and Shri Raghunath Vasudeo Sawant, master technician both being employees of your establishment in connection with removal of contraband gold i.e. 55 gold bars of 10 tolas each from your aircraft Reg. No. VT-ELW. The gold was found in the possession of Shri Chandrasekhar Sitaram Kadam. Both have admitted to removal of these goods from the hand rack on seat No.315. The value of these goods are Rs. 28,40,959-IMV and Rs. 33,15,521/-LMV which have already been seized under panchanama.

Both the persons have been arrested on 9-9-1996 under section 104 of the Customs Act, 1962 and have been produced before the Hon'ble Additional C.M.M. on 10-9-1996. The Hon'ble Additional Chief Metropolitan has remanded both the persons so judicial custody till 18-9-1996.

This may be treated as intimation to you for initiating necessary action as deemed fit at your end.

Yours faithfully,

ASSTT. COMMISSIONER OF CUSTOMS (AP)
After quoting of one instance of smuggling it said as follows :—

"These acts are illegal, as well as anti national. More importantly they also pose a threat to security of aircraft and passengers. Removal of panels, putting items in certain portions of the aircraft which are not meant for storage of goods etc., would, in all probability, jeopardize the safety of the aircraft, and the lives of passengers. Such persons are clearly a security risk. By virtue of being employees of Indian Airlines and their nature of job, such persons have access to aircraft and also undertake flight duties. They have misused the trust imposed in them by their illegal action and have made the property and system of

functioning of the Company vulnerable to misuse and external threats. The Company have therefore lost confidence in these persons.

7. The resolution by which the workman was removed has clearly been reproduced. It says the memorandum giving particulars of incidents in respect of 3 employees were considered. In other words, the memorandum along with the annexures were taken into account. It appears that clause 13(a)(1) were invoked by saying that the continued employment is highly detrimental to the interests of the company and safety of travelling public in its air craft. The question that arises for consideration is that if the facts stated in the memorandum and the annexures could be the foundation of the resolution, then the Board could ignore the fact that those facts by themselves amounted to misconduct. It was not disputed and cannot be disputed by the company that involvement in the criminal activity of smuggling amounted to a misconduct for which an enquiry could be held under the Service Regulations. It is also not in dispute that workman was arrested by the Customs Authorities. The workman was also suspended. The Annexure I quoted alone, which form the part of memorandum relied upon by the Board, for issuing the order termination specifically refers to the admission of workman of commission crime of removal of 55 lakhs of contraband gold of 10 tolas each. Thus the springboard of the action of the Board of management is commission of crime which would also be a misconduct. This is the central fact on which the order of termination was passed. The other secondary facts are that the papers have noticed the smuggling activities of employees of the company. This is resulting in damage to reputation of the company. It is difficult to understand merely because the contraband was gold smuggled how it posed a problem of security of Aircraft and passengers. There is nothing in the Annexure I to show that any of the workman admitted to any act like removal of panels or putting items in the aircraft which are not meant for storage of goods. No material was placed before the Board for coming to the conclusion that security of the Aircraft was jeopardized by tampering with it. There was nothing on record to show that the activity of smuggling gold was coupled with any other action jeopardizing the safety of Aircraft and passengers. The facts stated in Annexure I, II did not disclose any threat to the Aircraft or the passengers. Moreover the workman was under arrest. He was suspended. Therefore, he could be ordered not to enter the Aircraft after his suspension in case he was released on bail after his arrest. It follows that service of the workman were terminated despite the fact that he could not be a threat to the Aircraft on the ground that the safety of the Aircraft was involved. It appears to this tribunal that workman could not be a threat to the safety of the Aircraft or the passengers after he was arrested and suspended from his service. This tribunal is further of the opinion that

the resolution of the Board to the effect that the retention of the Board to the effect that the retention of workman in the service of the company shall be detrimental to public interest, cannot be sustained on the foundation of the facts stated in the memorandum. The employment of a person cannot be to detrimental to the interests of the company merely because a person is charged with an enormous crime and he is reported to have made a confession during the course of investigation. In such cases, the company could have awaited the result of the criminal case or instituted a domestic enquiry. The workman was not even a member of the crew. His job was to check electrical equipment of the Aircraft. He was alleged to have removed gold bars from the hat rack of seat No. 3113. The allegation was not that the workman had himself kept the gold. How the question of public safety could be involved if the workman removed gold which was already kept by an accomplice in the Aircraft. It appears that the newspaper reports of were published regarding the smuggling activities of the employees of the company were reported in newspapers. This was inevitable in the days of explosion of information. However, the publishing news could not be a factor for terminating the services of the workman. On the other hand the interests of company were better served if an action was taken by way of punishment. In the opinion of this tribunal, the order of termination of the services of workman was *mala fide*. It was passed with a view to avoid holding of an enquiry against the workman or awaiting the result of a criminal trial. The resolution of the Board was passed without applying its mind to facts of case. It was passed on account of enormous pressure exerted upon the Board due to adverse publicity in the press regarding the smuggling activities of the various employees of the company. This consideration not germane to termination of the services of the workman under clause (a) of Regulation 13 of Service Regulations. This tribunal is of the view that the resolution of the Board was in effect termination of the services of the workman for the misconduct being invalid for smuggling of contraband gold. It may be readily seen that Service Regulation 13(a) itself says that services of an employee can be terminated only those on grounds mentioned in (1) not amounting to misconduct under the Standing Orders. The portion underlined shows that powers under Regulation 13(a) of service regulations could be exercised only when there was no question of misconduct was involved. It is implicit in the portion underlined that if the company is acting *bona fide* it cannot utilize its drastic powers under Regulation 13(a)(1) for punishing a person for a misconduct covered by the Standing Orders. Even if the provisions of section 13(a)(1) are widely interpreted to mean that these powers are like that of sovereign exercised in the larger interests then also the company must be able to show that holding of an enquiry was against public interest. Such powers are akin to Henry VIIIth clause and should be exercised in good faith. This tribunal has power and

authority to go behind the order with view to find if the order was performed in a *bona fide* manner. In the case *Mahendra Singh Bhandwal vs. Hindustan Motors Ltd.* 1976 Lab IC Supreme Court held that this tribunal had ample power to go beyond the form of order to verify if an impugned order like the one passed by the company was passed by way of punishment. The company could exercised the power of dispensing with the enquiry on the ground that it has chosen to exercise its power under Service Regulation 13(a) even though the facts of this case called for an enquiry. This tribunal has already found that it has failed to show how larger public interests was served by removing the workman or how safety of passengers was endangered.

8. This tribunal is further of the view that Indian Airlines Ltd. is an authority under Article 12 of the Constitution. It is a fact that initially the Air India Ltd. and Indian Airlines Ltd. were established as public corporation under the Air India Corporation Act, 1953. The Supreme Court (Justice K. Mathew) in the case of *Sukhdev Singh vs. Bhagatram* 1975 Lab IC 819 pointed out that the Corporations that are instrumentalities, of the State are concerned by the word 'other authorities' under Article 12 of the Constitution. In that case it was held that the regulations framed by Corporations like Air India or Indian Airlines have the force of Law. We have to find out if there are any change in the legal position after passing of Air Corporations (Transfer of Undertakings and Repeal) Act 1994. After passing of the aforesaid Act and issuance of notice under Section 3 of the Act, these Corporations became Companies being the undertaking of Indian Airlines Ltd. and Air India Ltd. The question is that change for statutory Corporation to change as Public Ltd. Company has resulted in any change in the nature of these companies so that it be stated that they cease to be the instrumentalities of the State. Section 9 of the Air Corporation (Transfer of Undertaking and Repeal) Act, 1994 shows these companies are bound by the directions of Central Govt. as to the exercise and performance by the company of its functions. In the case of *Central Inland Water Transport Corporation Ltd. vs. Brynath Ganguly* AIR 1986 SC 1571 it was pointed out that if instrumentality of or agency of State assumes the garb of Government company as defined under section 617 of the Companies Act, it does not follow that it ceases to be an instrumentality of the State. If the veil is pierced then it would be clear that the Central Govt. retains the deep and pervasive control over Indian Airlines Ltd. In the case of *Ramanna Dayaram Shetty vs. International Airport Authority* AIR 1979 SC 1628, it was pointed out that the financial assistance and control over the management and policy etc. shall indicate the nature of a public company is

an other authority within the meaning of Article 12 of the Constitution. In the opinion of this tribunal the Indian Airlines Ltd. is an authority covered by Article 12 of the Constitution. Consequently, it cannot treat persons arbitrarily in violation of Article 14 of the Constitution. See *Ajay Hasia vs. Khalid Mapal* AIR 1981 SC 487.

9. In view of the aforesaid finding that workman was in fact discharge for a misconduct unconnected with the dispute pending as Ref. NTB No. 1 of 1990 Section 33(2)(b) of the Act is attracted. It is not in dispute that no application under section 33 (2)(b) of the Act was filed. The consequence would be, that in view of latest decision of the Supreme Court reported in *Jaipur Zila Sahkari Bhoomi Vikas Bank Ltd. vs. Shri Ramgopal Sharma* 2002 I CLR 789, the order is void. It does not exist in the eye of law. Once this situation is conceded, there is no difficulty in holding that the application under section 33-A of the Act lies. It is trite law that an order which is a nullity in eyes of law can be challenged in any forum. In this case, there was clear cut violation of section 33(2)(b) of the Act. The terms of section 33-A (b) authorize this tribunal to adjudicate upon the complaint as if it is dispute referred to it. This tribunal has full power to pass an award.

10. It was not disputed before me that Reference NTB No. 1 of 1990 is pending before this tribunal. It is pending at the time of passing of the impugned order. It may be pointed out that in the case of *Air India Ltd. vs. Anil Joshi* 2002 III LLJ 665 at page 672 (paragraph 12) a Division Bench of Bombay High Court had held that Dispute No. 7 and Dispute No. 8 in reference NTB No.1 of 1990 are in respect of service conditions of employees of Air India. Since these terms relate to parity of service conditions between the two Airlines companies, it can safely be held the reference NTB No.1 of 1990 in values an industrial dispute within the meaning of section 33(1)(a). It may be pointed this legal position was conceded by the parties.

11. The result of the discussion aforesaid is that this tribunal comes to the conclusion that the order date 03-10-1996 (Exhibit M1) communicated to the workman on the foundation resolution dated 25-9-1996 is bad in law for want of filing of an application under section 33(2)(b) of the Act. It does not exist in the eye of law and therefore, it is declared as null and void. The workman shall be deemed to be in service from 03-10-1996 and shall be entitled to all relief in accordance with the decision of the Supreme Court in *Jaipur Zila Sahakari vs. Ramgopal Sharma*. A copy of this award be sent to the Central Govt. No costs.

S.C. PANDEY, Presiding Officer